



Town of Emmitsburg

Mayor Donald N. Briggs

Board of Commissioners,
Clifford Sweeney, *President*
Timothy O'Donnell, *V.P. & Treasurer*
Joseph Ritz III
Frank Davis
T.J. Burns

Town Manager
Cathy Willets

Town Clerk
Madeline Shaw

**VIRTUAL TOWN MEETING
AGENDA PACKET
MONDAY, OCTOBER 5, 2020 – 7:30 P.M.**

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. FUTURE MEETINGS

Citizen's Advisory Committee Meeting: Tuesday, October 20, 2020 at 7:30 p. (22 East Main St.)

Planning Commission Meeting: Monday, October 26, 2020 at 7:30 p.m. (via Zoom)

Town Council Meeting: Monday, November 2, 2020 at 7:30 p.m. (via Zoom & channel 99)

4. MEETING ITEMS

A. APPROVE MINUTES: SEPTEMBER 8, 2020 & SEPTEMBER 14, 2020

B. POLICE REPORT

C. TOWN MANAGER'S REPORT

D. TOWN PLANNER'S REPORT

E. COMMISSIONER COMMENTS

F. MAYOR'S COMMENTS

G. PUBLIC COMMENTS

H. ADMINISTRATIVE BUSINESS (DETAILS ATTACHED)

(A). Draw census winner of i-pad.

(B). Proclamation congratulating W.F. Delauter and Sons for 65 years of business for consideration.

(C). Proclamation declaring October 6, 2020 as National Night Out for consideration.

(D). Proclamation thanking FredRock Disc Golf for their service in constructing the Emmitsburg Disc Golf course for consideration.

I. CONSENT AGENDA: ONE APPOINTMENT

J. TREASURER'S REPORT

K. PLANNING COMMISSION REPORT

L. AGENDA ITEMS (DETAILS ATTACHED)

(1). Swearing in of new elected officials.

(2). Mayor's recommendation for reorganization of the Board of Commissioners for consideration.

(3). For consideration, distribution of the remaining Small Business Grant monies

(4). ~~Approval of bid to complete a preliminary engineering report and environmental report on the water system for consideration~~ POSTPONED

(5). Hold public hearing and adoption of proposed Ordinance 2020-08 (Subdivision Amendment) for consideration.

(6). Hold public hearing and adoption of proposed Ordinance 2020-09 (Zoning Amendment) for consideration.

M. SET AGENDA FOR NEXT MEETING: OCTOBER 19, 2020 & NOVEMBER 2, 2020

5. SIGN APPROVED TEXT AMENDMENTS AND/OR RESOLUTIONS

6. ADJOURN

300A South Seton Avenue • Emmitsburg, Maryland 21727

Phone 301.600.6300 • Fax 301.600.6313 • info@emmitsburgmd.gov • www.emmitsburgmd.gov

ZOOM MEETING ACCESS INFORMATION:

Topic: Town Meeting: October 5, 2020

Time: Oct 5, 2020 07:30 PM Eastern Time (US and Canada)

Join Zoom Meeting:

<https://us02web.zoom.us/j/81907610116>

Meeting ID: 819 0761 0116

Passcode: 21727

One tap mobile

+13017158592,,81907610116#,,,,,0#,,21727# US (Germantown)

Dial by your location

+1 301 715 8592 US (Germantown)

Meeting ID: 819 0761 0116

Passcode: 21727

Find your local number: <https://us02web.zoom.us/j/81907610116>

The town meeting will begin at 7:30 p.m. If you would like to speak during public comment or an agenda item, you must sign-up to speak BEFORE 7:30 p.m. Sign-up to speak by emailing your name, address and topic you'd like to speak on to mshaw@emmitsburgmd.gov or calling (301) 600-6300.

You can also watch the town meeting live on cable channel 99. A recording will be posted to YouTube after (@Town of Emmitsburg).

A. APPROVE MINUTES: SEPTEMBER 8, 2020 & SEPTEMBER 14, 2020

**MEETING MINUTES
SEPTEMBER 8, 2020
VIRTUAL TOWN MEETING
EMMITSBURG TOWN OFFICE**

Present: *Elected Officials* - Mayor Donald Briggs; Commissioners: Clifford Sweeney, President; Timothy O'Donnell, Treasurer and Vice President; Joseph Ritz III; Frank Davis; and TJ Burns. *Staff Present* - Cathy Willets, Town Manager; Madeline Shaw, Town Clerk; and Zachary Gulden, Town Planner. *Others Present* - Deputy Ben Whitehouse.

I. Call to Order

Commissioners O'Donnell, Ritz III, Burns, Davis and Town Planner Zachary Gulden joined the meeting via a teleconferencing platform. A quorum being present, Commissioner Clifford Sweeney, President of the Board of Commissioners, called the September 8, 2020 town meeting to order at 7:30 p.m. Pledge of Allegiance was recited. Upcoming meetings and town election dates were announced. Mayor Briggs read an update on the status of the COVID-19 virus.

Approval of Minutes

Motion: Commissioner O'Donnell motioned to accept the August 3, 2020 town meeting minutes as presented; second by Commissioner Burns. Yeas – 5; Nays – 0. The president declared the motion passed.

Police Report:

Deputy Whitehouse presented the police report from August 2020 (exhibit attached). The July 2020 report will be reviewed at the next town meeting. The deputies are still limiting contact with the public due to COVID-19.

Town Managers Report:

Cathy Willets, Town Manager, presented the Town Manager's Report from August 2020 (exhibit in agenda packet). Due to the dryer weather, Rainbow Lake has dropped approximately 2-feet below the spillway level and a few of the town wells are still low. Town staff recommends staying with phase one water curtailment if water usage remains about .220 gallons per day.

Town Planners Report:

Zachary Gulden, Town Planner, presented the Town Planner's Report from August 2020 (exhibit in agenda packet). The tentative grand opening date of Dunkin is October 17, 2020.

Commissioner Comments:

- Commissioner O'Donnell: The signs for Sunday only usage of the multi-user trails has been installed for the 2020-2021 hunting season. He wished the Mayoral candidates luck on the upcoming election.
- Commissioner Ritz III: He encouraged people to vote at the September 29, 2020 town election.
- Commissioner Burns: He would like the Town to lobby for upgrades to Emmitsburg Elementary.
- Commissioner Davis: He thanked those who cleaned up the Silo Hill median strip. He would like a primary election voting location in Emmitsburg instead of residents going to Catoctin High School.
- Commissioner Sweeney: Emmitsburg Little League is playing in Emmitsburg until Halloween.

Mayor's Comments:

Mayor Briggs attended numerous meetings in August 2020. The meetings are listed in the agenda packet. Mayor Briggs hosted and continues to host a weekly COVID-19 update on channel 99 and YouTube. Guests this past month were from the Conjostudios, Creosote Affects, Ott House, and Thurmont Mayor John Kinnaird. Phase three of the historic wayside exhibits and walking tour has begun. He also attended a ceremony for W.F. Delauter and Sons being in business for 65 years among other meetings.

Public Comments:

None.

Administrative Business:

- (A). **Proclamation declaring September 26, 2020 as Arbor Day for consideration:** Mayor Briggs read the proclamation aloud. *Motion:* Commissioner Burns motioned to accept the proclamation as read; second by Commissioner Davis. Yeas – 5; Nays – 0. The president declared the motion passed.
- (B). **Proclamation declaring Community Park as “E. Eugene Myers Community Park” for consideration:** Mayor Briggs read the proclamation aloud. The renaming ceremony will occur on September 12, 2020. *Motion:* Commissioner Davis motioned to accept the proclamation as read; second by Commissioner Burns. Yeas – 5; Nays – 0. The president declared the motion passed.
- (C). **Proclamation declaring September 2020 as Recovery Month in Emmitsburg for consideration:** Mayor Briggs read the proclamation aloud. Residents are encouraged to decorate their home in purple in support. *Motion:* Commissioner Ritz III motioned to accept the proclamation as read; second by Commissioner O’Donnell. Yeas – 5; Nays – 0. The president declared the motion passed.

Consent Agenda:

None.

Treasurer's Report:

Commissioner O’Donnell presented the Treasurer’s Report for August 2020 (exhibit in agenda packet). The operating balance forward is \$5,416,727. The Kershner Environmental calibration is for the LG Sonic Algae control system at Rainbow Lake.

Planning Commission Report:

The Planning Commission met on August 31, 2020 to review Ordinances 20-08 and 20-09. They were approved with slight modifications. The ordinances will come back to the Board of Commissioners for final approval.

II. Agenda Items

Agenda #1- Approval of Resolution 20-10R, Approving the Town of Emmitsburg’s participation in the Maryland Department of Housing and Community Development’s Main Street Affiliate program, for consideration: Madeline Shaw, Town Clerk, presented the agenda item. The Main Street Affiliate program is administered by the Maryland Department of Housing and Community Development (DHCD) with a goal of helping communities with a traditional main street area gain economic development strategies through financial resources, such as grants, and technical assistance. There is no cost to join the program but the town needs to show continuous pursuit of program goals. Designation is being pursued based on requests by the Emmitsburg Business and Professionals Association and Mayor Briggs. The affiliate program is an interim program to the Maryland Main Street program; however, the Town is not obligated to pursue full designation. Full designation requires the employment of a full-time program manager and a separate budget. A map was shown with the proposed Main Street area, which DHCD has

to approve and recommends starting with a small area. A resolution showing elected official support is required as part of the affiliate application. *Motion:* Commissioner O'Donnell motioned to approve Resolution 20-10R; second by Commissioner Burns. Yeas – 5; Nays – 0. The president declared the motion passed.

Agenda #2 – Initial presentation of the compensation study analysis: William Benner, President of WW Consulting, Inc. presented the agenda item. The study was pursued to ensure the Town remains competitive in staff hiring and retention. The last salary analysis has not been completed since at least 2014. Content was taken from the Bureau of Labor Statistics (BLS) that has broader job descriptions and the Economic Research Institute (ERI) that have more specific job descriptions. Research was completed to ensure length of service, job description and job level all match. The results of the survey found several positions were paid 20% or more below the average market salary for the position and a few positions were paid slightly over their average market salary. Charts of the salary analysis were presented on a screen. Mr. Benner recommends a minimum, midpoint and maximum salary for each position instead of a step increase chart; he presented a chart with proposed salary ranges. The Board consented to holding a special workshop on October 19, 2020 to review the recommendations and decide next steps.

Agenda #3- Introduction of the WWTP annexation resolution, adoption of the annexation plan, and schedule a public hearing for November 2, 2020 at 7:30 PM for consideration: Zachary Gulden, Town Planner, presented the agenda item. The proposed annexation would add the old waste water treatment plant property at 16707 Creamery Road and the new waste water treatment plant at 16715 Creamery Road to the Town. The total area is approximately 85 acres and the annexation is being pursued due to goals in the 2010 and 2015 Comprehensive Plans that mention the annexation. In addition, the annexation will allow the Town to get MS-4 credit for tree plantings at the property. The resolution was prepared by the town attorney and a surveyor was hired to review the site. Mr. Gulden reviewed the annexation process and public hearing requirements. The annexation plat and annexation plan were also presented. *Motion:* Commissioner O'Donnell motioned to accept the wastewater treatment plant annexation in which we adopt the annexation plan and will schedule a public hearing for November 2, 2020 at 7:30 p.m.; second by Commissioner Burns. Yeas – 5; Nays – 0. The president declared the motion passed.

Agenda #4 - For consideration, distribution of the remaining Small Business Grant monies to the EBPA and the Main St. Affiliate Program: Mayor Briggs presented the agenda item. The Town issued 13 small business grants in the amount of \$1,000 each with money set aside during the COVID-19 pandemic. There is \$17,000 leftover from the original \$30,000 set aside for the grant. Mayor Briggs recommends applying \$8,500 towards potential Main Street Affiliate projects and \$8,500 towards Emmitsburg Business and Professionals Association (EBPA). The EBPA could distribute money as they see fit to local businesses. *Motion:* Commissioner O'Donnell motioned to distribute the remaining grant monies to the EBPA and the Main Street Affiliate program; second by Commissioner Davis. The motion was withdrawn. The Board would like to table the item until the EBPA is able to present a plan for the money.

Agenda #5 - For consideration, the approval of contractor to install new sidewalk on West Lincoln in the area of the Community Pool: Ms. Willets requested the item be postponed and approved with the ADA ramp project town staff will bring to the Board at a later date as the need is not immediate. The Board consented.

Mayor Briggs and Ms. Willets requested a virtual closed executive session for September 14, 2020 at 7:30 p.m. to consult with council to obtain legal advice. There will be no other agenda items for the September 14 meeting.

Set Agenda Items for October 5, 2020 Town Meeting

1. Swearing in of new elected officials.
2. Mayor's recommendation for reorganization of the Board of Commissioners for consideration.
3. For consideration, distribution of the remaining Small Business Grant monies
4. Approval of bid to complete a preliminary engineering report and environmental report on the water system for consideration
5. Hold public hearing and adoption of proposed Ordinance 2020-08 (Subdivision Amendment) for consideration.
6. Hold public hearing and adoption of proposed Ordinance 2020-09 (Zoning Amendment) for consideration.

Administrative Business:

- A. Draw census winner of i-pad.
- B. Proclamation congratulating W.F. Delauter and Sons for 65 years of business for consideration.
- C. Proclamation declaring October 6, 2020 as National Night Out for consideration.
- D. Proclamation thanking FredRock Disc Golf for their service in constructing the Emmitsburg Disc Golf course for consideration.

Administrative Business:

- Appointment of Wayne Slaughter on the Board of Appeals for consideration.

The Board consented to the agenda. *Motion:* Commissioner O'Donnell motioned to accept the agenda as presented; second by Commissioner Ritz III. Yeas – 5; Nays – 0. The president declared the motion passed.

III. Sign Approved Text Amendments and/or Resolutions

IV. Adjournment

With no further business, Commissioner Ritz III motioned to adjourn the September 8, 2020 town meeting; second by Commissioner Davis. Yeas – 5; Nays - 0. The meeting adjourned at 9:58 p.m.

Respectfully submitted,

Madeline Shaw, Town Clerk
Minutes Approved On:

**MEETING MINUTES
SEPTEMBER 14, 2020
VIRTUAL TOWN MEETING
EMMITSBURG TOWN OFFICE**

Present: *Elected Officials* - Mayor Donald Briggs; Commissioners: Clifford Sweeney, President; Timothy O'Donnell, Treasurer and Vice President; Joseph Ritz III; Frank Davis; and TJ Burns. *Staff Present* - Cathy Willets, Town Manager; and Zachary Gulden, Town Planner. *Others Present* – Leslie Powell, Town Attorney.

II. Call to Order

Commissioners Sweeney, O'Donnell, Ritz III, Davis, town staff Cathy Willets and Zachary Gulden and Town Attorney Leslie Powell joined the meeting via the zoom teleconferencing platform. A quorum being present, Commissioner Clifford Sweeney, President of the Board of Commissioners, called the September 14, 2020 town meeting to order at 7:30 p.m. Pledge of Allegiance was recited. Upcoming meetings and town election dates were announced.

III. Public Comments

None.

IV. Announcement of a Closed Session

President Sweeney announced the need for a closed executive session as permitted by the General Provisions Article, Section 3-305(b)(7), Annotated Code of Maryland which authorizes Boards to meet in closed session to consult with counsel to obtain legal advice. The Board does not intend to reconvene in an open session after the closed session.

V. Agenda Items

Agenda #1 – Closed Session to Consult with Counsel to Obtain Legal Advice: Motion:

Commissioner Ritz III motioned to close the September 14, 2020 town meeting at 7:35 p.m. for a closed Executive Session to consult with counsel to obtain legal advice regarding the Town's continuing obligations with respect to the construction of, operation of, and additions to the East Emmitsburg Industrial Park and Town's waste water treatment plant as permitted by the General Provisions Article, Section 3-305(b) Item 7; second by Commissioner O'Donnell. Yeas – 4; Nays – 0 with Commissioner Burns absent. The president declared the motion passed.

IV. Adjournment

With no further business, the September 14, 2019 town meeting was adjourned at 7:35 p.m. to enter into a closed executive session via the zoom teleconferencing platform.

Respectfully submitted,

Madeline Shaw, Town Clerk
Approved On:

**CLOSED EXECUTIVE SESSION SUMMARY
EMMITSBURG TOWN OFFICE
SEPTEMBER 14, 2020**

Time Closed Session Began: 7:35 p.m.

Place of Closed Session: Due to COVID-19, virtual via Zoom teleconferencing platform.

Purpose: To consult with counsel to obtain legal advice.

Members Who Voted to Meet in Closed Session: Commissioners: Clifford Sweeney, Timothy O'Donnell, Joseph Ritz III and Frank Davis.

Persons Attending Closed Session: Commissioners: Clifford Sweeney, Timothy O'Donnell, Joseph Ritz III, Frank Davis and T.J. Burns. Staff Present: Cathy Willets, Town Manager; Zachary Gulden, Town Planner. Others Present: Leslie Powell, Town Attorney.

Authority Under § 3-305 for the Closed Session: Item seven (7), consult with council to obtain legal advice.

Topics Actually Discussed: Legal advice given by town attorney regarding the Town's continuing obligations with respect to the construction of, operation of, and additions to the East Emmitsburg Industrial Park and Town's waste water treatment plant

Actions Taken: The Board directed town staff to help the property owner find a viable alternative that encourages Town business growth without tax payers bearing the expense.

Time Closed Session Ended: 8:36 p.m.

B. POLICE REPORT: Presentation by deputies at the meeting.

C. TOWN MANAGER’S REPORT

**Town Manager’s Report
August 2020
Prepared by Cathy Willets**

Streets:

- Staff replaced and repaired some street signs around town.
- Staff conducted monthly street sweeping.
- Staff conducted monthly storm drain inlet cleaning.
- Staff installed wayside bench on West Main St. near Doughboy.
- Staff removed filter soc & cleaned storm drain inlet in at 500 Timbermill Run.
- Staff straightened parking meter in front of the OTT House.
- Staff trimmed tree limbs on West Lincoln Ave. at Frailey Rd.
- Staff weed ate and weed killed guardrail at end of Welty Ave. & end of DePaul St.
- Staff mowed, weed ate and weed killed Silo Hill median strip.
- Staff came in after hours to pick up damaged street light pole that was struck by tractor trailer.

Parks:

- Staff conducted daily park checks – trash cans, cameras, dog waste stations, restrooms.
- Staff conducted monthly park maintenance – playground equipment, roads, fences, pavilions, etc.
- Staff mowed, trimmed and weed killed in parks.
- Staff sanitized playground equipment twice a week.
- Staff trimmed some trees in Memorial Park.
- Staff pulled weeds, weed killed and put new mulch at playground equipment in Memorial Park.
- Staff power washed graffiti off Memorial Park restroom building.
- Staff installed new kits in both water fountains at the dog park.

Water:

- Rainbow Lake is 1.8’ below the spillway level (16.6 feet) as of August 24, 2020. As of September 28, 2020 the lake is 2.8’ below spillway level.
- The roughing filters are being backwashed three times a day and the DE filters are being done once every other week.
- Well levels (optimum level was determined to be May 2011).

	<u>May 2011</u>	<u>August</u>	<u>Change</u>	<u>Sept. 28</u>
○ Well #1:	35’	35’	0	36’ (-1)
○ Well #2:	8’	9’	-1’	11’ (-3)
○ Well #3:	12’	OFF’	N/A	N/A
○ Well #4:	108’	124’	-16’	126’(-18)
○ Well #5:	10’	16’	-6’	15’ (-5)

- Water production and consumption. We produced an average of 254,102 GPD. We consumed an average of 222,995 GPD. The difference is "Backwash Water" ... (16.6%).
 - 18.5% of this water came from wells.
 - 5.2% of this water came from Mt. St. Mary's.
 - 76.3% of this water came from Rainbow Lake.

We purchased 429,020 gallons of water from MSM this month.

Wastewater:

- We treated an average of 443,000 gpd (consumed 222,995 GPD) which means that 49.6% of the wastewater treated this month was "wild water".
- We had no spills of untreated sewage in the month of August. We did exceed the plant's design capacity one time in the month of August.
 - 08/04 1,095,000 gpd
- We received about 4.0" of precipitation this month (the average is 3.6"). We have a precipitation DEFICIT of 3.3" over the last six months. The average precipitation for the period from March 1 through August is 23.9". We have received 20.6" for that period.

Trash: Trash pickup will remain Mondays in the month of October.

Meetings Attended:

- 08/03 Attended virtual town meeting
- 08/04 Conference call with USDA re: pump station
- 08/13 Conference call with consultant re: compensation survey
- 08/25 Attended webinar on Sustainable Management for Rural and Small Systems
- 08/26 Conference call with attorney, bond counsel and staff re: funding for pump station
- 08/27 Conference call with County Executive
- 08/31 Conference call with consultant re: compensation survey
- ***** Met with or spoke with the Mayor every day during the COVID-19 shutdown. (03/19-present)**

Noteworthy:

- Staff pumps holding tank every 10 days at 8533 Hampton Valley Rd.
- Staff worked the yard waste dumpster twice in August.
- Staff conducted monthly equipment and fire extinguisher maintenance.
- Staff repaired two water leaks on Waynesboro Pike and at 800 block of West Main.
- Staff unclogged sewer MH #102 at the Silo Hill Strip Mall.
- WWTP has been running smoothly (phosphorous w/in limit; nitrogen low).
- Pump station running ok but the flows have been low for the month.
- Staff responded to a sewage dump behind Rube's. Found a blue discharge hose rolled up in the grass. Sewage had percolated into the ground. MDE and County notified. Staff spread lime on the affected area. Unknown cause of sewage dump at this time.
- Soda Ash pump #1 at WTP has been rebuilt.
- Pump at Well #2 stop running. A burnt wire was replaced.
- Tentative plan to flush hydrants in October.

PARKING ENFORCEMENT REPORT
August 2020

Overtime Parking	63
Restricted Parking Zone	4
Street Sweeping	
Parked in Crosswalk	
Parked on Sidewalk/Curb	
Parked by Fire Hydrant	
Parked Blocking Street	
Failure to Park between Lines	
Left Side Parking	1
48 Consecutive Hours	2
Meter Money	\$ 963.85
Parking Permits	\$ 235.00
Meter Bag Rental	\$ 15.00
Parking Ticket Money	\$ 180.00
Total:	\$ 1,393.85

D. TOWN PLANNER'S REPORT

**Town Planner's Report
August 2020
Prepared by Zachary R. Gulden, MPA**

1. Board of Commissioners (BOC)

- Attended the virtual BOC meeting on 08/03.
- Continued processing the WWTP annexation.
- Started working on a proposed amendment to Title 6 – Animals.

2. Grants

- Misc. Census, Community Legacy, & Chesapeake Bay Trust (rain barrel & N Seton Ave green street) grant management.
- Submitted the FY2020 Keep Maryland Beautiful Clean Up & Green Up Grant final report.
- Submitted a Chesapeake Bay Trust Watershed Assistance Grant application in the amount of \$34,000.00 for the Silo Hill SWM basin project.
- Submitted Community Legacy reimbursement request for:
 - 135 South Seton Avenue
 - 26-28 West Main Street
- Processed a Community Legacy grant application for:
 - 137 South Seton Avenue
- Processed 2x Town COVID-19 business grant.

3. Municipal Separate Storm Sewer System (MS4)

- Misc. Silo Hill basin retrofit project management.
- Continued working on the yearly MS4 report.
- Attended a virtual Silo Hill SWM basin meeting on 8/6.
- Contractor conducted the yearly stormwater outfall inspections. Prepare/mailed letters to properties out of compliance with State/Federal regulations.
- Attended a virtual Silo Hill SWM basin meeting on 8/11.

4. Permits & Zoning

- Processed 8 zoning permit applications:
 - 1x garage.
 - 1x shed.
 - 1x sidewalk.
 - 1x fence.
 - 1x roof.
 - 1x patio.
 - 1x single family dwelling (Brookfield).
 - 1x permit renewal - single family dwelling (Second Avenue).
- Processed 7 backflow preventer applications.
- Responded to incident reports.
- Created a new sidewalk café / retail display permit application.

5. Planning Commission (PC)

- Misc. Rutter's, Dunkin', & Insurance Brokers of MD project management.
- Reviewed a revised concept Preliminary Plat for the Emmitsburg East Industrial Park II & provided the applicant feedback.
- Reviewed a Concept Plat for Lot 8 – Emmitsburg East Industrial Park II and provided the applicant feedback (proposed 58,900 sq. ft. of manufacturing/warehouse & 5,200 sq. ft. of office space).
- Prepared staff memos and PC meeting information for proposed Ordinances 20-08 & 20-09.
- Attended the PC meeting on 8/31 via Zoom and processed pre/post meeting materials.
- Processed 1x Forest Conservation exemption application – Dunkin'.

6. Miscellaneous

- Assisted Mayor & Office Manager with final Census flyer.
- Created a landscape calculation sheet for the proposed landscape buffer amendment.
- Assisted Town Clerk with Main Street Affiliate application.
- Attended a FC addressing virtual meeting on 08/13.

E. COMMISSIONER COMMENTS

F. MAYOR'S COMMENTS

Meetings attended since last town meeting:

- September 8, Tuesday, Town meeting, virtual
- September 9, Wednesday, 9am, National Fire Heritage Center Board, Vigilant Hose Co., Zoom
- September 9, 11 am, Wednesday, Election Judge swearing in.
- September 11, Friday, 10 am, meet Karen Gardner, Frederick Magazine at Doughboy
- September 12, Saturday, 10am, dedication Community Park to E. Eugene Myers
- September 14, Monday, 7:30 pm, closed meeting, Zoom.
- September 16, Wednesday 1 pm, Weekly COVID-19 update on channel 99 & social media, guest Secretary of Commerce, Kelly Shultz.
- September 18, Friday, Swearing in of election judges.
- September 22, Tuesday, 2 pm, Working Group for President Trainor's "Call to Action: University Diversity, Equity and Inclusion Task Force" zoom.
- September 23, Wednesday. 1 pm, Weekly COVID-19 update on channel 99 & social media, Mount Saint Mary's University President Dr. Tim Trainor.
- September 28, Monday, Weekly COVID-19 update on channel 99 & social media, Deputy Ben Whitehouse.
- September 29, Tuesday, Town Election.
- September 29, Tuesday, 2 pm, Working Group for President Trainor's "Call to Action: University Diversity, Equity and Inclusion Task Force" zoom.
- October 1, Thursday, 8:30 am Mount Athletic Advisory Council meeting zoom.
- October 5, Monday Town meeting zoom.

G. PUBLIC COMMENTS

H. ADMINISTRATIVE BUSINESS

- (a) **Draw census winner of i-pad:** Drawing at town meeting by Mayor Briggs.

- (b) **Proclamation congratulating W.F. Delauter and Sons for 65 years of business for consideration:** Presentation at meeting Mayor Briggs.



PROCLAMATION

CONGRATULATING W.F. DELAUTER & SONS INC. ON 65 YEARS OF BUSINESS

draft

WHEREAS, W.F. Delauter & Son was founded in 1955 by Willie F. Delauter and his son Russell E. Delauter in Thurmont, Maryland with just one international TD6 dozer; and

WHEREAS, Russell's youngest son, Kirby Delauter, assumed the role of president of the company in 1994 as the third generation Delauter and moved the company to Emmitsburg, Maryland where the company continued to grow and be successful; and

WHEREAS, today W.F. Delauter & Sons has approximately 72 employees, 35 on road vehicles and over 100 pieces of off road heavy equipment and completes work throughout the Mid-Atlantic area to include Maryland, Pennsylvania and West Virginia; and

WHEREAS, the Town of Emmitsburg is proud to pay tribute to W.F. Delauter & Sons on the occasion of its 65th anniversary of business in 2020; and

WHEREAS, W.F. Delauter & Sons will continue to serve as a leading business, exemplary employer and corporate leader in our community for generations to come.

NOW, THEREFORE, BE IT PROCLAIMED, that the Mayor and Board of Commissioners of the Town of Emmitsburg, Maryland do hereby recognize the positive impact of W.F. Delauter & Sons and joins with the company as they celebrate their 65th anniversary.

ADOPTED this 5th day of October, 2020.

Donald N. Briggs
Mayor

Clifford L. Sweeney, President
Board of Commissioners

- (c) **Proclamation declaring October 6, 2020 as National Night Out for consideration:** Presentation at town meeting.

Proclamation



**NATIONAL NIGHT OUT
TUESDAY, OCTOBER 6, 2020
COMMUNITY PARK
5:00 TO 7:00 P.M.**



WHEREAS, the National Association of Town Watch (NATW) sponsors a national community building campaign on the first Tuesday in August each year entitled “National Night Out”; and

WHEREAS, “National Night Out” has been an annual event in the Town of Emmitsburg for the past four years; and

WHEREAS, the National Night Out event provides an opportunity for neighbors in the Town of Emmitsburg to join over 38 million people in over 16,000 thousand communities from all 50 states, U.S. territories, Canadian cities, and military bases worldwide; and

WHEREAS, National Night Out is an annual community-building campaign that promotes police-community partnerships and neighborhood camaraderie to make our neighborhoods safer, more caring places to live; and

WHEREAS, it is essential that all neighbors of the Town of Emmitsburg come together with police and work together to build a safer, more caring community.

NOW, THEREFORE, BE IT PROCLAIMED, that the Mayor and Council of the Town of Emmitsburg, Maryland do hereby proclaim Tuesday, October 6, 2020, “National Night Out” in Emmitsburg and do hereby call upon all citizens, neighbors, community agencies and businesses to join the Frederick County Sheriff’s Office and the National Association of Town Watch in support for National Night Out in Community Park.

ADOPTED this 5th day of October, 2020.

Donald N. Briggs
Mayor

Clifford L. Sweeney, President
Board of Commissioners

- (d) **Proclamation thanking FredRock Disc Golf for their service in constructing the Emmitsburg Disc Golf course for consideration:** Presentation at meeting by town staff.



PROCLAMATION

THANKING FREDROCK DISC GOLF FOR THEIR SERVICE IN CONSTRUCTING THE EMMITSBURG DISC GOLF COURSE

WHEREAS, FredRock Disc Golf group is a Frederick County disc golf club team based in Middletown, Maryland with club members throughout Frederick County; and

WHEREAS, in July 2019 the Emmitsburg Disc Golf course began design and construction via a Community Parks and Playground grant and volunteers from FredRock Disc Golf team; and

WHEREAS, many volunteers from the FredRock Disc Golf team have contributed hundreds of hours and resources to design and construct the Emmitsburg Disc Golf Course in our Community Park over the past 15 months; and

WHEREAS, the Town would like to offer special recognition to the efforts of Eric Boger, Wayne Nordberg, and Tracy Jones for their multiple weekends and evenings spent away from family and friends constructing the course; and

WHEREAS, the Town of Emmitsburg is pleased to announce the grand opening of the course on Saturday, October 24, 2020 at 10:00 a.m. due to FredRock Disc Golf's outstanding community service that is creating a more active and healthy community.

NOW, THEREFORE, BE IT PROCLAIMED, that the Mayor and Board of Commissioners of the Town of Emmitsburg, Maryland do hereby express our sincere and grateful appreciation to FredRock Disc Golf for their countless hours of volunteer service, and do hereby urge our residents to recognize and enjoy the valuable work done by these volunteers by playing disc golf on our newly constructed disc golf course.

ADOPTED this 5th day of October, 2020.

Donald N. Briggs
Mayor

Clifford L. Sweeney, President
Board of Commissioners

I. CONSENT AGENDA

I. Board of Appeals (3-year term)

Appointment of Wayne Slaughter to the Board of Appeals.
 Term: September 9, 2020 to September 9, 2023

J. TREASURER REPORT

**Town of Emmitsburg
 CASH ACTIVITY as of September 29, 2020**

\$5,407,723	Cash Balance September 1, 2020
121,520	Deposits
<u>-211,104</u>	Withdrawals
\$5,318,139	Operating Balance Forward

Top 10 Check Amounts:

Amount	Vendor Name	Description	Check Date	Check Number
\$13,815	UGI Energy Services	Jul 20 Solar Field #1	09.23.20	41468
12,044	UGI Energy Services	Jul 20 Solar Field #2	09.16.20	41439
11,846	Motor Technology	Pump #2 Repair	09.02.20	41384
9,880	Fox & Associates	ADA Sidewalk Replacement	09.23.20	41451
6,676	Univar USA	Chemicals	09.16.20	41440
6,362	Republic Services	Sep 20 Residential Refuse Services	09.16.20	41438
6,013	Resident	FY20 Community Legacy - Davis	09.23.20	41461
5,713	Frederick County DUSWM	Aug 20 Tipping Fees	09.09.20	41399
4,681	Deleon & Stang	FY20 Audit Professional Services	09.23.20	41449
3,924	Powell, LLC	Aug 20 Legal Services	09.09.20	41411

Check dates 08.27.20 to 09.29.20

K. PLANNING COMMISSION REPORT: Presentation at the meeting.

L. AGENDA ITEMS:

AGENDA ITEM# 1. Swearing in of new elected officials: Presentation at meeting by Clerk Sandra Dalton and Mayor Briggs.

**TOWN OF EMMITSBURG
SEPTEMBER 29, 2020 ELECTION
CERTIFICATION OF VOTES & BALLOTS**

VOTES FOR COMMISSIONER:

Joseph Ritz III: 331

Total Ballots Cast: 398

VOTES FOR MAYOR:

Donald N. Briggs: 230

James Hoover: 110

Clifford Lee Sweeney: 58

Total Ballots Cast: 398

BALLOTS (600 ISSUED):

398 USED

1 SPOILED

_____ RETURNED

Certified by 2020 Election Judges:

<u>Lynn Omdorff</u> Print name	<u>[Signature]</u> Signature
<u>Tammy May</u> Print name	<u>[Signature]</u> Signature
<u>Charlotte Mazaleski</u> Print name	<u>[Signature]</u> Signature

AGENDA ITEM# 2. **Mayor's recommendation for reorganization of the Board of Commissioners for consideration:** Presentation at town meeting by Mayor Briggs.

AGENDA ITEM# 3. For consideration, distribution of the remaining Small Business Grant monies: Presentation at meeting by town staff.

The Mayor and staff recommendation is to leave the remaining \$17,000 in Fund 2 and open another round of grant funding to the businesses.



P.O. Box 633

Emmitsburg, Maryland 21727

September 25, 2020

Dear Mr. Mayor, Mr. President, and the Board of Town Commissioners:

The EBPA wants to thank you for considering our organization for some of the remaining grant money from the Covid-19 stimulus fund. The pandemic has affected our organization quite tremendously. Because of this virus we have only been able to meet once this year at our supposable quarterly breakfast where we had the Honorable County Executive Jan Gardner speak to the group back in March. Our meetings were always thought to be very beneficial and informative to our community business leaders.

The EBPA strives to be a catalytic community organization protecting and promoting a healthy business, professional, and civic environment in the greater Emmitsburg area.

We are here for the:

- a. Promotion of higher business standards and better business practices;
- b. Education of its members in matters of interest to businesses and professionals in the vicinity of Emmitsburg, Maryland.

The EBPA has been organized to operate exclusively for business league purposes, to that end, We shall:

1. Encourage gifts, donations, and memorials for the benefit of local business services;
2. Engage in and support fund-raising efforts for special purposes, including endowments;
3. Sponsor local community events and/or activities;
4. Create opportunities for citizens to volunteer their assistance locally and county wide;
5. Engage in such other activities as are necessary or convenient to the accomplish our purposes.

We are advocates of Emmitsburg businesses to the Town government. We seek ways to attract new businesses to our area. We are members of the Tourism Council of Frederick County, where we brainstorm to promote tourism to our town which brings business dollars our way. Listed below are some of our achievements in 2018 and 2019.

- We support and raise money for the Emmitsburg Food Bank. Since 2009 we have raised over \$52,000;
- We have a scholarship program available to people who live in the zip code of 21727;
- We purchased the kiosk on the square;
- We attended town meeting on a regular basis;

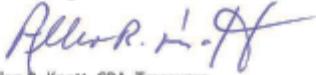
- We have written articles about Emmitsburg and placed ads in local newspapers that are viewed by thousands of readers;
- We promote our member businesses on our Emmitsburg brochure and map and conveniently put them in visitor centers all over Maryland and South Central Pennsylvania;
- We've done individual and business surveys to get ideas on worthwhile community projects;
- Each EBPA member will get a link to their website on our website;
- We sponsored the Christmas tree on the square;
- We also consider other community causes to improve of the quality of life in our town.

We are fully supportive of the Town's initiative of becoming a Maryland Main Street Affiliate. However, all of these programs previously mentioned require money and volunteers to make happen.

Again, thank you for your past support of the Emmitsburg Business and Professional Association. We strongly feel that we have been a good corporate partner with the town government to make Emmitsburg the best place to live and work in Northern Frederick County. If you award us additional stimulus funds, we will continue our goals for the betterment of our community.

Sincerely and Thank you,

Emmitsburg Business & Professional Association, Inc.



Allen R. Knott, CPA, Treasurer

AGENDA ITEM# 4. Approval of bid to complete a preliminary engineering report and environmental report on the water system for consideration.

POSTPONED UNTIL NOVEMBER 2, 2020 MEETING
(PENDING BOARD AGENDA APPROVAL)

AGENDA ITEM# 5. Hold public hearing and adoption of proposed Ordinance 2020-08 (Subdivision Amendment) for consideration: Presentation at meeting by town staff.

- **Note:** The Planning Commission recommended approval of Ordinance 2020-08 at their August 31, 2020 meeting with the following comments:
 1. The Planning Commission agrees that playgrounds and/or recreation areas should be provided by the developer for all future residential subdivisions.
 2. The fees set forth in Town Code Section 16.16.100 should be removed and be set by policy.

ORDINANCE SERIES: 2020
ORD. NO: 20 – 08

Page 1 of 26

AN ORDINANCE TO AMEND
TITLE 16
OF THE CODE OF EMMITSBURG
ENTITLED
SUBDIVISIONS

BE IT RESOLVED, ENACTED AND ORDAINED by the Mayor and Board of Commissioners of the Town of Emmitsburg, Maryland, pursuant to the authority granted to them by the laws of Maryland and the Charter of the Town of Emmitsburg, that Title 16, Subdivisions, of the Emmitsburg Municipal Code, be amended as follows:

New language is indicated by being in **BOLD, CAPITAL LETTERS**, and deleted language is designated by being in [~~brackets and strike out~~].

Chapter 16.04 – General Provisions.

16.04.020 – Jurisdiction.

In accordance with the authority granted by [~~Article 66B~~] **THE LAND USE ARTICLE** of the Annotated Code of Maryland, [~~1961 Edition~~], as amended, this title is adopted by the Town of Emmitsburg, Maryland governing the subdivision of all lands within the corporate limits of the Town.

16.04.050 – Town Planning [~~and zoning~~] Commission.

The Planning Commission shall administer this title, and in furtherance of said authority, shall:

{A through E unchanged}

16.04.060 – Definitions.

“Alley” means a public right-of-way, which affords only a secondary means of access to abutting properties. Alleys shall not be used as the sole access to a subdivision. [~~(See also Section)~~].

{“Block” unchanged}

“BUFFER AREA” MEANS A STRIP OF LAND WHICH IS PLANTED AND MAINTAINED IN SHRUBS, BUSHES, TREES, GRASS OR OTHER LANDSCAPING MATERIAL AND WITHIN WHICH NO STRUCTURE IS PERMITTED EXCEPT A WALL OR FENCE.

“BUFFER YARD” MEANS AN OPEN AREA WHOSE DIMENSIONS MAY EXCEED THE NORMAL BUILDING SETBACK OR YARD REQUIREMENT USED TO PROTECT LOW-DENSITY USES AND ZONING DISTRICTS FROM ADJACENT HIGHER-DENSITY USES AND DISTRICTS.

{“Building setback line” through “Comprehensive plan” unchanged}

"County Master [~~highway~~] **TRANSPORTATION Plan**" means the official plan of major roads, highways, streets, and other ways adopted by the Frederick County Planning [~~and Zoning~~] Commission and approved by the Board of County Commissioners of Frederick County [~~on November 25, 1959~~] **IN DECEMBER 2001**, [~~and~~] as amended, **AND** in accordance with **THE LAND USE** Article [~~66B~~] of the Annotated Code of Maryland, **AS AMENDED**.

{*"County plans" through "Improvements" unchanged*}

"LANDSCAPE PLAN" MEANS A COMPONENT OF A SUBDIVISION, SITE, AND/OR IMPROVEMENT PLAT ON WHICH IS SHOWN PROPOSED LANDSCAPE SPECIES (INCLUDING NUMBER, SPACING, SIZE AT TIME OF PLANTING, AND PLANTING DETAILS); PROPOSALS FOR PROTECTION OF EXISTING VEGETATION DURING AND AFTER CONSTRUCTION; PROPOSED TREATMENT OF HARD AND PERMEABLE SURFACES; PROPOSED DECORATIVE FEATURES, GRADE CHANGES, BUFFERS AND SCREENING DEVICES; AND ANY OTHER INFORMATION THAT CAN REASONABLY BE REQUIRED IN ORDER THAT AN INFORMED DECISION CAN BE MADE BY THE PLANNING COMMISSION.

{*"Lot" & "Lot, double frontage" unchanged*}

"LOT, FLAG" MEANS A LOT NOT MEETING MINIMUM FRONTAGE REQUIREMENTS AND WHERE ACCESS TO THE PUBLIC ROAD IS BY A NARROW PRIVATE RIGHT-OF-WAY OR DRIVEWAY.

{*"Outlet" through Subdivision" unchanged*}

~~[Technical Advisory Committee. In order to assist developers in getting information concerning these regulations, the planning commission may organize a "technical advisory committee." The committee will meet at intervals necessary to enable developers to conveniently contact all departments involved. The developer shall prepare a preliminary plat before meeting with the committee. The committee may be composed of staff members of both the Emmitsburg and county planning commissions, state Roads Commission, county roads board, county health department, metropolitan commission, county soil conservation committee, and any other department or agency concerned with development.]~~

Chapter 16.08 – General Requirements.

16.08.010 – Subdivider must prepare and record plat of subdivision.

From and after the adoption of these regulations, any owner [~~or proprietor~~] of any tract of land located in the territory to which these regulations may apply, who creates a subdivision, shall cause a plat of such subdivision to be made in accordance with the regulations set forth herein and [~~Title III of Article 66B~~] **THE LAND USE ARTICLE** of the Annotated Code of Maryland, **AS AMENDED**. After having secured the approval thereof by the Planning Commission, the subdivider shall cause a copy of the plat, **AND IF APPLICABLE, ANY DECLARATION OF COVENANTS, EASEMENTS AND MAINTENANCE AGREEMENTS**, to be recorded in the office of the Clerk of the Court. Any subdivision or portion thereof which may be in process of development, but has not had a plat recorded at the time of adoption of these regulations, shall also be subject to the requirements and procedures contained herein.

16.08.060 – Violations-Penalties.

Any **DEVELOPER AND/OR** subdivider who violates these regulations shall be subject to the penalties prescribed in [~~Section 28 of Article 66B~~] **THE LAND USE ARTICLE**, annotated Code of Maryland, **AS AMENDED**.

Chapter 16.12 – Procedures Generally.

16.12.015 – SKETCH PLAT.

- A. PRIOR TO THE PREPARATION AND FILING OF THE PRELIMINARY SUBDIVISION PLAT AND/OR IMPROVEMENT PLAT, APPLICANTS ARE ENCOURAGED, BUT ARE NOT REQUIRED, TO SUBMIT A SKETCH PLAT, IN ACCORDANCE WITH CHAPTER 16.22, TO BE REVIEWED BY TOWN STAFF. THE SKETCH PLAT SHALL INCLUDE ANY FEATURES OF THE TOWN OF EMMITSBURG’S COMPREHENSIVE PLAN OR OF ANY OTHER TOWN PLANS, INCLUDING BUT NOT LIMITED TO PROPOSED STREETS, RECREATION AREAS, DRAINAGE RESERVATIONS, SHOPPING CENTERS, SCHOOL SITES, ETC. SUBMISSION OF A SKETCH PLAT SHALL NOT CONSTITUTE A FORMAL FILING WITH THE TOWN.**
- B. IF THE APPLICANT DESIRES TO SUBMIT A SKETCH PLAT, IT IS REQUIRED TO SUBMIT ONE APPLICATION FORM, 10 COPIES OF THE SKETCH PLAT, AND AN ELECTRONIC COPY OF THE PLAN TO THE TOWN FOR CONSIDERATION.**

16.12.020 – Submission of preliminary [~~plan~~] **PLAT** of subdivision for approval.

- A. PRELIMINARY PLAT APPLICATION IS REQUIRED FOR SUBDIVISIONS TO BE COMPLETED IN MORE THAN ONE PHASE, WHETHER PROPOSED INITIALLY OR CUMULATIVELY.** The subdivider shall prepare a preliminary plat of the proposed subdivision conforming with the requirements set forth in Chapter 16.24. At least thirty (30) days prior to a regularly scheduled meeting of the Planning Commission, the plat along with [~~five~~] **FIFTEEN (15) black INK [~~line or similar~~] PAPER** prints of the plat **AND THREE (3) COPIES OF ALL REPORTS, NOTIFICATIONS, AND CERTIFICATIONS** shall be filed with the Planning Commission.~~;~~ ~~however, if a state road is involved, three additional prints shall be provided.~~

{B, C, & D unchanged}

16.12.030 – Improvement [~~plans~~] **PLATS**.

- A.** Upon approval of the preliminary plat, the subdivider shall prepare and submit to the planning commission plans for the installation of improvements in accordance with the requirements of Chapter 16.20 of these regulations. All such improvements shall be designed in compliance with and to the standards, plans, and specifications set forth in these regulations.
- B. AT LEAST THIRTY (30) DAYS PRIOR TO A REGULARLY SCHEDULED MEETING OF THE PLANNING COMMISSION, THE IMPROVEMENT PLAT ALONG WITH FIFTEEN (15) BLACK INK PAPER PRINTS OF THE PLAT AND THREE (3) COPIES OF ALL REPORTS, NOTIFICATIONS, AND CERTIFICATIONS SHALL BE FILED WITH THE PLANNING COMMISSION.** Copies of such improvement [~~plans~~] **PLATS** will

be referred by the Planning Commission to the appropriate Town, County, and State officials for checking and approval, subject to such changes or conditions as in their judgment may require.

16.12.040 – Approval of final plat.

{A & B unchanged}

- C. 1. The subdivider shall **PREPARE A FINAL PLAT OF THE PROPOSED SUBDIVISION CONFORMING WITH THE REQUIREMENTS SET FORTH IN CHAPTER 16.28.** ~~[file with the Planning Commission at least four weeks]~~ **AT LEAST THIRTY (30) DAYS** prior to ~~[its regular]~~ **A REGULARLY SCHEDULED meeting OF THE PLANNING COMMISSION,** **THE** ~~[a final]~~ **plat ALONG WITH** ~~[drawn with ink on transparent linen or mylar for signature and ultimately four black linen or paper prints and of the final plat, and]~~ **fifteen (15) BLACK INK paper prints of the [final] plat AND THREE (3) COPIES OF ALL REPORTS, NOTIFICATIONS, AND CERTIFICATIONS SHALL BE FILED WITH THE PLANNING COMMISSION.** ~~[to be distributed as follows:]~~

~~[Four linen:~~

- ~~○ three county clerk~~
- ~~○ one town zoning administrator~~

~~Fifteen (15) paper prints:~~

- ~~○ Four town planning commission~~
- ~~○ Five mayor and commission~~
- ~~○ One state highway administration~~
- ~~○ One county health department~~
- ~~○ One county planning department~~
- ~~○ One county division of public works~~
- ~~○ One town manager~~
- ~~○ One town inspector]~~

2. Agency comments from the **APPROPRIATE TOWN, COUNTY, AND STATE OFFICIALS** ~~[county planning department, state highway administration, county health department, county division of public works, the town manager and zoning inspector]~~ must be obtained prior to submittal of the final plat to the Planning Commission. All agency comments will be circulated with the final plat to the Planning Commission ~~[two]~~ **ONE (1) week[s]** prior to the meeting at which final plat approval will be considered.

D. *{1 unchanged}*

2. Upon approval of the final plat, the Town Zoning Administrator will obtain the signature~~S~~ of the Mayor **AND PLANNING COMMISSION'S CHAIRPERSON** on the Mylar **AND PAPER PRINT.** The signature~~S~~ of the Mayor **AND PLANNING COMMISSION'S CHAIRPERSON** shall mean that the Town is satisfied that the requirements of these regulations have been ~~[complied with]~~ **SATISFIED.** Reasons for the disapproval of any plat shall be stated upon the records of the Planning Commission.

- E. Recording the Final Plat. If approved, the developer shall then file ~~[two black line linen]~~ **THREE MYLAR** prints with the Clerk of the Court of Frederick County, and shall distribute ~~[the other]~~ **ONE (1) MYLAR & ONE (1) PAPER** print[s] as follows:
- ~~[One]~~ State Highway Administration **(IF APPLICABLE);**
 - ~~[One]~~ County Health Department; **AND**

- [~~One county planning department~~]
- [~~One county division of public works~~]
- [~~One town manager~~]
- [~~One town inspector~~]
- [~~One~~] Town Zoning Administrator.

The signed Mylar **AND PAPER PRINT** shall be returned to the Town Zoning Administrator to be filed. Approval of the final plat by the Planning Commission shall not be deemed to constitute or effect an acceptance by the public of the dedication of any street or other proposed public **RIGHT-OF-way** or space shown on such plat.

F. *{unchanged}*

16.12.050 – Sale of lots and houses.

No lot shall be sold and no zoning certificate shall be issued until: **1) a final plat of such subdivision shall have been approved and recorded in accord with these regulations and provisions of the state code[-]; AND, 2) IF APPLICABLE, ANY EASEMENTS AND MAINTENANCE AGREEMENTS RELATING TO SHARED DRIVEWAYS BETWEEN OR AMONG LOTS, OR OTHER EASEMENTS OVER LOTS SHALL HAVE BEEN RECORDED IN ACCORD WITH THESE REGULATIONS AND PROVISIONS OF THE STATE CODE.**

Chapter 16.16 – Design Standards.

16.16.030 – Street design standards.

{A through F unchanged}

G. *{1 through 5 unchanged}*

6. Sidewalk. Minimum width of [~~four~~] **FIVE feet (5')** along the entire front frontage of the property.

{H through Q unchanged}

R. Intersections.

1. Street intersections shall be as nearly as right angles as is possible and in no case shall be less than sixty [~~60~~] degrees (**60°**) (requirements for intersection with state roads shall not be less than seventy [~~70~~] degrees (**70°**) or greater than one hundred ten [~~110~~] degrees (**110°**)). **EVERY ATTEMPT SHOULD BE MADE TO HAVE A CONNECTION OF NINETY DEGREES (90°)**. The block corner of street intersections with county or state highways shall be rounded on the right-of-way line with a curve having a radius of not less than [~~twenty five (25)~~] **THIRTY feet (30')**; at minor residential street intersections, the minimum radius shall be not less than [~~twenty (20)~~] **THIRTY feet (30')**.
2. Curbs at street intersections shall be rounded off centrically with the property line. At street intersections with state highways, the street curb or edges of paving shall be rounded off by an arc, the minimum radius of which shall be thirty [~~30~~] feet (**30'**). A street intersection with the state highway will be subject to the rules and regulations of the Maryland [~~State~~

~~Roads Commission~~ **DEPARTMENT OF TRANSPORTATION (MDOT) STATE
 HIGHWAY ADMINISTRATION (SHA).**

3. *{unchanged}*

{S unchanged}

T. Street Standards for New Town House and Multifamily Developments.

1. Rights-of-way (ROW), pavement, curb, sidewalks.

	Public Street	Private Street*
**ROW	40 feet	None
Pavement	24 feet	24 feet
Curb (6")	Yes	Yes
Sidewalk (adjacent to curb)	[4] 5 feet	[4] 5 feet

2. *{unchanged}*

{U through W unchanged}

16.16.060 – Easements.

A. Easements shall be provided for utilities on all lot lines other than those abutting a street right-of-way line and shall be centered on rear or side lot lines. Such easements shall be designed to provide continuity from block to block. Development within a right-of-way is prohibited unless prior permission has been obtained from the Town. **ANY OTHER EASEMENTS OVER INDIVIDUAL LOTS SHALL BE DEPICTED ON THE FINAL PLAT.**

{B unchanged}

C. Where a subdivision **AND/OR DEVELOPMENT** is traversed or borders a stream or watercourse, there shall be provided a stormwater easement [~~or drainage right-of-way~~] not less than [~~twenty (20)~~] **TWENTY-FIVE feet (25')** wide **ON EACH SIDE OF THE STREAM OR WATERCOURSE** dedicated to the Town.

16.16.070 – Lot design standards.

{A unchanged}

B. Residential lots shall comply with at least the minimum size area requirements of the zoning district in which located, except otherwise approved by the Mayor and Commission as described in Chapter [~~16.36~~] **16.32**.

{C through F unchanged}

G. FLAG LOTS.

1. FLAG LOTS SHALL ONLY BE PERMITTED WHEN THEY WILL ENABLE THE PRESERVATION OF SOME IMPORTANT NATURAL OR CULTURAL FEATURE (INCLUDING PRODUCTIVE FARMLAND), WHICH WOULD OTHERWISE BE DISTURBED BY CONVENTIONAL SUBDIVISION

TECHNIQUES. FLAG LOTS SHALL BE RESTRICTED FROM FUTURE SUBDIVISION.

- 2. FOR THE PURPOSES OF THIS SECTION, A FLAG LOT SHALL BE DESCRIBED AS CONTAINING TWO PARTS: 1) THE “FLAG” SHALL INCLUDE THAT PORTION OF THE LOT THAT IS THE LOCATION OF THE PRINCIPAL AND ACCESSORY BUILDINGS; 2) THE “POLE” SHALL BE CONSIDERED THAT PORTION OF THE SITE THAT IS USED FOR VEHICULAR ACCESS BETWEEN THE SITE AND ITS ADJOINING ROAD.**
- 3. REQUIREMENTS FOR THE FLAG:**
 - a. THE MINIMUM LOT AREA AND LOT WIDTH REQUIREMENTS OF TITLE 17 SHALL BE MEASURED EXCLUSIVELY UPON THE FLAG.**
 - b. FOR PURPOSES OF DETERMINING REQUIRED YARDS AND SETBACKS, THE FOLLOWING SHALL APPLY:**
 - 1. FRONT YARD. THE AREA BETWEEN THE PRINCIPAL STRUCTURE AND THAT LOT LINE OF THE FLAG WHICH IS MOST PARALLEL TO THE STREET PROVIDING VEHICULAR ACCESS TO THE SITE. ADDITIONALLY, ALL AREAS OF THE POLE SHALL BE CONSIDERED TO BE WITHIN THE FRONT YARD.**
 - 2. REAR YARD. THE AREA BETWEEN THE PRINCIPAL STRUCTURE AND THAT LOT LINE OF THE FLAG THAT IS DIRECTLY OPPOSITE OF THE FRONT YARD, AS DESCRIBED ABOVE, AND**
 - 3. SIDE YARDS. THE AREA BETWEEN THE PRINCIPAL STRUCTURE AND THAT ONE OUTERMOST LOT LINE WHICH FORMS THE FLAG AND POLE, PLUS THE AREA ON THE OPPOSITE SIDE OF THE PRINCIPAL STRUCTURE.**
 - c. THE FLAG LOT SHALL CONTAIN ADEQUATE DRIVEWAY DIMENSION FOR VEHICULAR BACKUP SO THAT INGRESS TO AND EGRESS FROM THE LOT IS IN THE FORWARD DIRECTION.**
- 4. REQUIREMENTS FOR THE POLE:**
 - a. THE POLE SHALL MAINTAIN A MINIMUM WIDTH OF FIFTY FEET (50’).**
 - b. THE POLE SHALL NOT EXCEED EIGHT HUNDRED FEET (800’) IN LENGTH.**
 - c. NO PART OF THE POLE SHALL BE USED FOR IMPROVEMENTS EXCEPT A DRIVEWAY AND OTHER PERMITTED IMPROVEMENTS SUCH AS LANDSCAPING, FENCING, UTILITY CONNECTIONS TO OFF-SITE FACILITIES, MAILBOXES, AND SIGNS.**

- d. **THE CARTWAY CONTAINED ON THE POLE SHALL BE LOCATED AT LEAST SIX FEET (6') FROM ANY ADJOINING PROPERTY LINE AND TWENTY FEET (20') FROM ANY EXISTING STRUCTURES ON THE SITE OR ANY ADJOINING PROPERTY.**
- e. **NO POLE SHALL BE LOCATED WITHIN TWO HUNDRED FEET (200') OF ANOTHER ON THE SAME SIDE OF THE STREET.**

16.16.100 – Required recreation areas to be dedicated.

- A. In all residential developments at least ten percent (**10%**) of the entire tract of land to be developed must be reserved for recreational use plus a fee of ~~[one]~~ **TWO** hundred dollars ~~[(~~\$100.00~~)]~~ **(\$200.00)** per lot paid, or in the case of multifamily dwellings ~~[one]~~ **TWO** hundred dollars ~~[(~~\$100.00~~)]~~ **(\$200.00)** per dwelling unit paid. Said land shall be conveyed to the Town government of Emmitsburg. One-fourth (**1/4TH**) of the dedicated ~~[OS]~~ land area must be outside the one hundred (100) year ~~[flood plan]~~ **FLOODPLAIN**.
- B. Where ten percent (**10%**) would be less than one-half (**1/2**) acre, a fee of ~~[three]~~ **FOUR** hundred dollars ~~[(~~\$300.00~~)]~~ **\$400.00** per lot, to be used toward the development of existing recreational areas, shall be assessed in lieu of the land area. The Mayor and **BOARD OF** Commissioners also reserve the right to impose the ~~[three]~~ **FOUR** hundred dollarS ~~[(~~\$300.00~~)]~~ **\$400.00** per lot assessment on those subdivisions, when in their judgement the creation of additional open space (recreational) area is neither warranted or desirable. Areas that are to be reserved shall be shown on the plat and approved by the Mayor and **BOARD OF** Commissioners.
- C. All open space shall have access to a street ~~[in fee simple]~~ and be reasonably located to be accessible to the neighborhood. In all instances, a minimum of eighty-five ~~[(~~85~~)]~~ percent (**85%**) of the open space shall be suitable for dry ground active recreational uses. The Town may require the developer to make adequate provisions for maintenance of the open space. No open space so dedicated may be used for purposes of afforestation or reforestation without the prior approval of the Planning ~~[and Zoning]~~ Commission and the Town Council.

16.16.110 – LANDSCAPING, BUFFER YARDS, AND SCREENING.

IN RESIDENTIAL SUBDIVISIONS OF FIVE (5) OR MORE UNITS AND ALL NONRESIDENTIAL DEVELOPMENTS WITH GREATER THAN TEN (10) PARKING SPACES, THE DEVELOPER SHALL PROVIDE BUFFER YARDS AND LANDSCAPING IN ACCORDANCE WITH THIS SECTION.

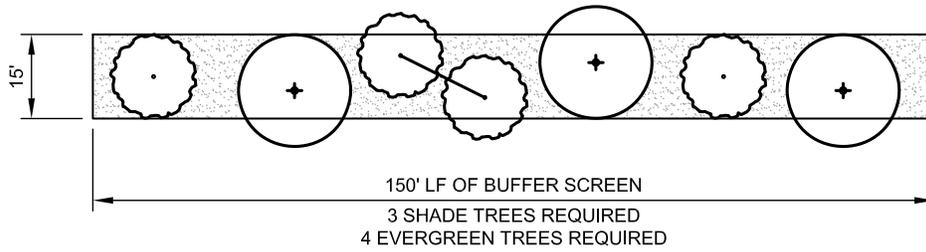
A. GENERAL BUFFER AND SCREENING REGULATIONS.

- 1. **BUFFER YARDS SHALL BE PROVIDED IN ACCORDANCE WITH SECTION 17.08.220, AS AMENDED. SCREENING AND SCREENS IN BUFFER YARDS SHALL BE INSTALLED IN ACCORDANCE WITH §16.16.110.B. OF THIS CHAPTER.**
- 2. **ALL PLANTING SHALL BE PERFORMED IN CONFORMANCE WITH GOOD NURSERY AND LANDSCAPE PRACTICE. PLANT MATERIALS SHALL CONFORM TO THE STANDARDS RECOMMENDED BY THE AMERICAN ASSOCIATION OF NURSERYMAN, INC., IN THE AMERICAN STANDARD OF NURSERY STOCK, CURRENT EDITION, AS AMENDED.**

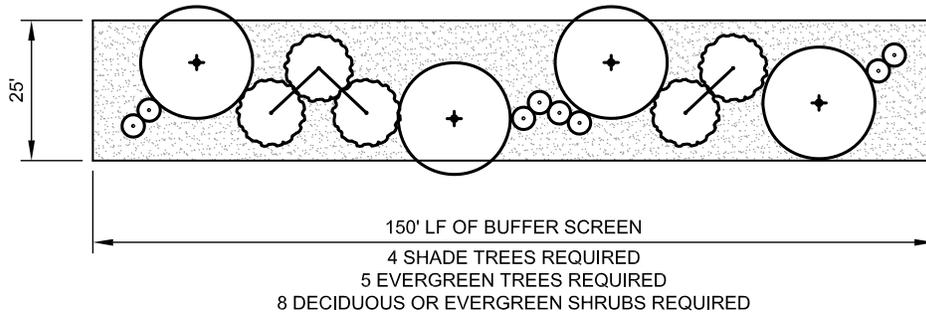
B. SCREENING.

- 1. SCREENING AND SCREENS REQUIRED BY THIS SECTION ARE INTENDED TO PROVIDE AN EFFECTIVE VISUAL BARRIER AT THE STREET LEVEL BETWEEN CONFLICTING USES RELATED TO NOISE, HEAT, GLARE, DUST, AND TRAFFIC. SCREENING AND SCREENS ARE USED TO PRESERVE PROPERTY VALUES AND ENSURE THE COMPATIBILITY OF DIFFERENT LAND USES AS WELL AS IMPROVE THE APPEARANCE OF INDIVIDUAL PROPERTIES AND NEIGHBORHOODS IN THE TOWN. THIS SECTION PROVIDES STANDARDS AND OPTIONS FOR THE DESIGN AND INSTALLATION OF PLANTS, FENCES, AND WALLS USED AS SCREENING IN THE TOWN. SCREENING SHALL BE IN ACCORDANCE WITH THE FOLLOWING TABLE AND WITH THE BUFFER YARD EXHIBIT A. THE BUFFER YARD TYPES RELATE TO THE TOWN'S ZONING DISTRICTS AS DESCRIBED IN SECTION 17.08.220, GENERAL BUFFER REGULATIONS.**

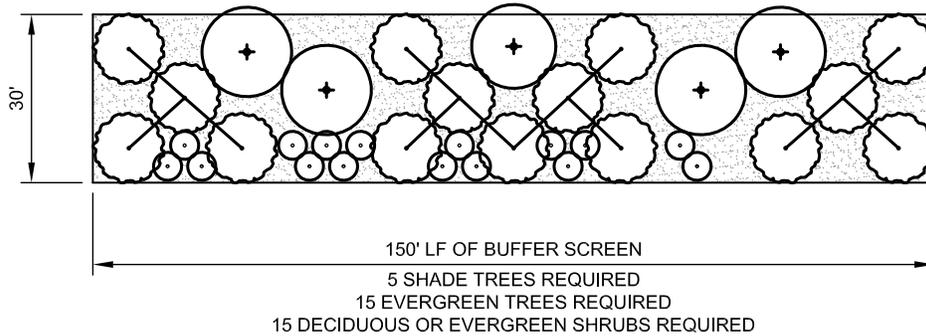
Exhibit A



BUFFER YARD 1



BUFFER YARD 2



BUFFER YARD 3

BUFFER YARD TYPE AND MINIMUM SCREENING	
BUFFER YARD TYPE	MINIMUM SCREENING
1	ONE SHADE TREE PER 50 LINEAR FEET AND ONE EVERGREEN TREE PER 40 LINEAR FEET OF BUFFER YARD SCREEN.
2	ONE SHADE TREE PER 40 LINEAR FEET AND ONE EVERGREEN TREE PER 30 LINEAR FEET OF BUFFER YARD SCREEN AND ONE DECIDUOUS OR EVERGREEN SHRUB PER 20 LINEAR FEET OF BUFFER YARD SCREEN. AT LEAST 60% OF SHRUB PLANTINGS SHALL BE OF THE EVERGREEN TYPE.
3	ONE SHADE TREE PER 30 LINEAR FEET AND ONE EVERGREEN TREE PER 10 LINEAR FEET OF BUFFER YARD SCREEN AND ONE DECIDUOUS OR EVERGREEN SHRUB PER 10 LINEAR FEET OF BUFFER YARD SCREEN. AT LEAST 70% OF SHRUB PLANTINGS SHALL BE AN EVERGREEN TYPE.

2. **ALL SCREENING MATERIALS AND LANDSCAPING SHALL NOT ENCROACH UPON THE ADJOINING PROPERTY LINE AT FULL MATURITY.**
3. **LANDSCAPING SHALL BE A COMBINATION OF SHADE TREES, ORNAMENTAL TREES, EVERGREEN TREES, DECIDUOUS SHRUBS, EVERGREEN SHRUBS, AND GROUND COVERS. THE FOLLOWING BUFFER YARD PLANTINGS SHALL BE OF THE MINIMUM PLANTING HEIGHT:**
 - A. **EVERGREEN TREES, INCLUDING ARBORVITAE TREES OR SHRUBS: MINIMUM FIVE-FOOT (5') PLANTING HEIGHT.**
 - B. **DECIDUOUS TREES: MINIMUM TWO-INCH (2") CALIPER AND SIX-FOOT (6') PLANTING HEIGHT.**
 - C. **EVERGREEN OR DECIDUOUS SHRUBS: MINIMUM EIGHTEEN-INCH (18") PLANTING HEIGHT, REACHING A MINIMUM OF 30 INCHES (30") WITHIN TWO (2) YEARS. ALL SHRUBS MUST HAVE A MINIMUM SPREAD OF TWELVE INCHES (12") WHEN PLANTED.**
 - D. **MINIMUM PLANTING WIDTH: TEN FEET (10').**
4. **SELECTED PLANT MATERIALS SHALL BE IN ACCORDANCE WITH §16.16.110.B.9., RECOMMENDED PLANT SPECIES, HEREIN.**
5. **ALL LOADING AND SERVICE AREAS SHALL MEET THE FOLLOWING SCREENING REQUIREMENTS WHEN ADJACENT TO A RESIDENTIAL ZONE OR USE: ONE (1) SHADE TREE PER SIXTY LINEAR FEET (60') AND ONE (1) EVERGREEN PER TEN LINEAR FEET (10') OF VISIBLE LOADING AND SERVICE AREA.**
6. **ALL DUMPSTERS, TRANSFORMERS, FUEL STORAGE TANKS, AND UNSIGHTLY UTILITIES SHALL MEET THE FOLLOWING SCREENING REQUIREMENTS REGARDLESS OF LOCATION OR DISTRICT: ONE (1) SHADE TREE PER FORTY LINEAR FEET (40') AND ONE (1) EVERGREEN TREE PER FIVE LINEAR FEET (5') OF VISIBILITY. IN ADDITION, ALL TRASH DISPOSAL AREAS SHALL BE EFFECTIVELY SCREENED WITH NO LESS THAN A SIX-FOOT (6') SOLID FENCE SO AS NOT TO BE VISIBLE FROM PARKING AREAS, ROADWAYS, OR ADJACENT PROPERTIES.**
7. **EXISTING ACCEPTABLE VEGETATION SHOULD BE RETAINED WHEN FEASIBLE. CREDIT MAY BE APPLIED TO REQUIRED PERIMETER LANDSCAPE PLANTINGS IF THE EXISTING TREES CAN BE MAINTAINED AND ARE OF ACCEPTABLE SIZE AND HEALTH.**
8. **SCREENING OF STORMWATER MANAGEMENT FACILITIES SHALL BE IN ACCORDANCE WITH THE FOLLOWING STANDARDS:**
 - A. **LANDSCAPE BUFFERING AND SCREENING TECHNIQUES SHALL BE REQUIRED FOR STORMWATER MANAGEMENT FACILITIES THAT ARE ADJACENT TO DISSIMILAR ADJOINING PROPERTIES WITH DIFFERENT ZONING AND PUBLIC AND PRIVATE ROADS.**

- B. THE STORMWATER MANAGEMENT SCREENING AND BUFFERING MAY NOT BE APPLIED TO FULFIL ANY OTHER OF THE REQUIRED LANDSCAPE BUFFERING REQUIREMENTS OF THE SITE.**
- C. IF STORMWATER FACILITIES AND PONDS REQUIRE FENCING, THE REQUIRED FENCING CANNOT BE CREDITED TOWARD STORMWATER FACILITY LANDSCAPE REQUIREMENTS.**
- D. WHEN FENCES ABUT PUBLIC OR PRIVATE ROADS OR DISSIMILAR LAND USES, THE PROPOSED PLANTINGS SHALL BE ON THE EXTERIOR OF THE FENCE, FACING ADJACENT ROADWAYS AND PROPERTIES.**
- E. STORMWATER MANAGEMENT BUFFERING AND SCREENING REQUIREMENTS MAY BE EXEMPT IN INDUSTRIALLY ZONED DISTRICTS IF THEY ARE NOT ADJACENT TO DISSIMILAR LAND USES. WHEN STORMWATER MANAGEMENT FACILITIES ADJOIN OR ARE ADJACENT TO RESIDENTIALLY ZONED DISTRICTS OR PUBLIC ROADWAYS, THE REQUIRED SCREENING SHALL BE IN COMPLIANCE WITH BUFFER YARD 3 ABOVE.**
- F. THE MEANS BY WHICH TO DETERMINE REQUIRED PLANT MATERIAL WILL BE MEASURED FROM THE TOP OF THE DAM ELEVATION IN LINEAR FEET.**
- G. PLANT MATERIAL SHALL NOT BE PERMITTED IN AREAS WHICH MAY COMPROMISE THE STRUCTURAL INTEGRITY OF THE STORMWATER MANAGEMENT FACILITY. THIS RESTRICTION SHALL NOT SUPERSEDE THE REQUIRED LANDSCAPE SCREENING AND BUFFERING REQUIREMENTS.**
- H. THE REQUIRED PLANT MATERIAL SHALL BE OF NATIVE VEGETATION OR AN ACCEPTABLE EQUIVALENT SITE-TOLERANT PLANT TYPE IN ACCORDANCE WITH THIS SECTION.**
- I. THE PROPOSED PLANT MATERIAL AND LANDSCAPING REQUIREMENTS FOR THE STORMWATER MANAGEMENT FACILITY SHOULD BE DESIGNED IN A MANNER THAT WILL MINIMIZE EXCESSIVE MAINTENANCE.**
- J. IF THE SIDE SLOPES OF THE STORMWATER FACILITY ARE TOO STEEP (3:1 SLOPE OR GREATER) TO MOW AND MAINTAIN, IT IS RECOMMENDED THAT THEY BE PLANTED WITH ACCEPTABLE GROUND COVERS WHICH DO NOT REQUIRE MOWING.**
- K. THE PROPOSED REQUIRED LANDSCAPE SHALL NOT ENCROACH OR IMPEDE THE ABILITY TO ACCESS AND MAINTAIN THE STORMWATER FACILITY. WOODY VEGETATION THAT INCLUDES DECIDUOUS EVERGREEN TREES AND SHRUBS SHALL NOT BE WITHIN FIFTY FEET (50') OF AN INLET STRUCTURE, STANDPIPE, OR DRAINAGEWAY. PROPOSED VEGETATION THAT HAS EXCESSIVE LEAF AND SEED LITTER WILL NOT BE PERMITTED.**

L. EXISTING ACCEPTABLE VEGETATION SHOULD BE RETAINED AROUND THE PROPOSED STORMWATER MANAGEMENT FACILITY WHERE FEASIBLE. CREDIT MAY BE APPLIED TO REQUIRED PERIMETER LANDSCAPE PLANTINGS IF EXISTING TREES CAN BE MAINTAINED AND ARE OF ACCEPTABLE SIZE AND HEALTH.

9. RECOMMENDED PLANT SPECIES FOR LANDSCAPE SCREENS:

A. MEDIUM-TO-LARGE SHADE TREES:

ACER RUBRUM	RED MAPLE
BETULA ALLEGHANIENSIS	YELLOW BIRCH
BETULA LENTA	BLACK BIRCH
BETULA NIGRA	RIVER BIRCH
FAGUS GRANDIFOLIA	AMERICAN BEECH
FRAXINUS AMERICANA	WHITE ASH
FRAXINUS PENNSYLVANICA	GREEN ASH
LIRIODENDRON TULIPFERA	TULIP POPLAR
NYSSA SYLVATICA	BLACK GUM
OSTRYA VIRGINIANA	HOPHORNBEAM / IRONWOOD
PINUS STROBES	EASTERN WHITE PINE
PLATANUS OCCIDENTALIS	SYCAMORE
QUERCUS ALBA	WHITE OAK
QUERCUS MONTANA	CHESTNUT OAK
QUERCUS PALUSTRIS	PIN OAK
QUERCUS RUBRA	RED OAK
SASSAFRAS ALBIDUM	SASSAFRAS
TILIA AMERICANA	BASSWOOD
TSUGA CANADENSIS	CANADIAN HEMLOCK

B. SMALL TREES AND SHRUBS:

ALNUS SERRULATE	SMOOTH ALDER
AMELANCHIER ARBOREA	SERVICEBERRY
ARONIA MELANOCARPA	BLACK CHOKEBERRY
CEANOTHUS AMERICANUS	NEW JERSEY TEA
CEPHALANTHUS OCCIDENTALIS	BUTTONBUSH
CERCIS CANADENSIS	REDBUD
CHIONANTHUS VIRGINICUS	WHITE FRINGETREE
CORNUS ALTERNIFOLIA	ALTERNATIVE-LEAF DOGWOOD
CORNUS AMONUM	SILKY DOGWOOD
CORNUS FLORIDA	FLOWERING DOGWOOD
CRATAEGUS PHAENOPYRUM	WASHINGTON HAWTHORN
CRATAEGUS VIRIDIS	GREEN HAWTHORN
HAMAMELIS VIRGINIANA	WITCH HAZEL

HYDRANGEA ARBORESCENS	WILD HYDRANGEA
ILEX OPACA	AMERICAN HOLLY
ILEX VERTICILLATA	WINTERBERRY
KALMIA LATIFOLIA	MOUNTAIN LAUREL
LINDERA BENZOIN	SPICEBUSH
MAGNOLIA VIRGINIANA	SWEETBAY MAGNOLIA
PHYSOCARPUS OPULIFOLIUS	NINEBARK
PRUNUS AMERICANA	WILD PLUM
RHODODENDRON MAXIMUM	ROSEBAY
RHODODENDRON PERICLYMENOIDES	PINXTER FLOWER
SALIX NIGRA	BLACK WILLOW
SALIX SERICEA	SILKY WILLOW
SANBUCUS CANADENSIS	ELDERBERRY
PARTHENOCISSUS QUINQUEFOLIA	VIRGINIA CREEPER
VACCINIUM ANGUSTIFOLIUM	LOWBUSH BLUEBERRY
VACCINIUM CORYMBOSUM	HIGHBUSH BLUEBERRY
VIBURNUM ACERIFOLIUM	MAPLE-LEAVED VIBURNUM
VIBURNUM RECOGNITUM	ARROWWOOD

10. THE FOLLOWING INVASIVE PLANTS CANNOT BE USED:

A. TREES:

ACER PLATANOIDES	NORWAY MAPLE
AILANTHUS ALTISSIMA	TREE OF HEAVEN
ALBIZIA JULIBRISSIN	MIMOSA
MORUS ALBA	WHITE MULBERRY
PAULOWNIA TOMENTOSA	EMPRESS OR PRINCESS TREE
PYRUS CALLERYANA	BRADFORD, CALLERY, OR ORNAMENTAL PEAR
QUERCUS ACUTISSIMA	SAWTOOTH OAK
ULMUS PUMILA	SIBERIAN ELM

B. SHRUBS:

ALL LIGUSTRUM SPECIES	PRIVET
BERBERIS THUNBERGII	JAPANESE BARBERRY
BERBERIS VULGARIS	EUROPEAN BARBERRY
ELAEAGNUS ANGUSTIFOLIA	RUSSIAN OLIVE
ELAEAGNUS UMBELLATE	AUTUMN OLIVE
EUONYMUS ALATUS	EUONYMUS / WINGED EUONYMUS / BURNING BUSH
LIGUSTUM OBTUSIFOLIUM	BORDER PRIVET
LIGUSTUM VULGARE	COMMON PRIVET
LONICERA MAACKI	AMUR HONEYSUCKLE

LONICERA MORROWII	MORROW'S HONEYSUCKLE
LONICERA MORROWII X TATARICA	BELL'S HONEYSUCKLE
LONICERA STANDISHII	STANDISH HONEYSUCKLE
LONICERA TATARICA	TARTARIAN HONEYSUCKLE
ROSE MULTIFLORA	MULTIFLORA ROSE
RHAMNUS CATHARTICUS	COMMON BUCKTHORN
RHAMNUS FRANGULA	GLOSSY BUCKTHORN
RUBUS PHOENICOLASII	WINEBERRY

C. STREET TREES. STREET TREES SHALL BE PROVIDED IN ALL RESIDENTIAL SUBDIVISIONS AND ALL NONRESIDENTIAL DEVELOPMENTS. ALL STREET TREES SHALL BE PROVIDED BY THE APPLICANT IN ACCORDANCE WITH THE FOLLOWING STANDARDS:

- 1. THE TREES SHALL BE NURSERY GROWN IN A CLIMATE SIMILAR TO THAT OF THE LOCALITY OF THE PROJECT. VARIETIES OF TREES SHALL BE SUBJECT TO THE APPROVAL OF THE AUTHORITY WHICH ACCEPTS OWNERSHIP OF THE STREET.**
- 2. ALL TREES SHALL HAVE A NORMAL HABIT OF GROWTH AND SHALL BE SOUND, HEALTHY, AND VIGOROUS; THEY SHALL BE FREE FROM DISEASE, INSECTS, INSECT EGGS, AND LARVAE.**
- 3. THE TRUNK DIAMETER, MEASURED AT A HEIGHT OF SIX INCHES (6") ABOVE FINISH GRADE, SHALL BE A MINIMUM OF TWO INCHES (2").**
- 4. TREES SHALL BE PLANTED BETWEEN THE STREET RIGHT-OF-WAY LINE AND THE BUILDING SETBACK LINE EXCEPT WHERE THE TOWN HAS AUTHORIZED PLACEMENT OF TREES WITHIN THE STREET RIGHT-OF-WAY. THE TREE'S GROWTH SHALL NOT INTERFERE WITH CLEAR SIGHT TRIANGLES. TYPICAL BRANCHING SHALL NOT BE WITHIN TEN FEET (10') OF GROUND LEVEL AFTER TEN (10) YEARS OF GROWTH.**
- 5. ALL PLANTING SHALL CONFORM WITH GOOD NURSERY AND LANDSCAPE PRACTICE AND TO THE STANDARDS ESTABLISHED BY THE AUTHORITY WHICH ACCEPTS OWNERSHIP OF THE PLANTING.**
- 6. REQUIREMENTS FOR THE MEASUREMENTS, BRANCHING, GRADING, QUALITY, BALLING AND THE BURLAPPING OF TREES SHALL FOLLOW THE CODE OF STANDARDS RECOMMENDED BY THE AMERICAN ASSOCIATION OF NURSEYMEN, INC., IN THE AMERICAN STANDARD FOR NURSERY STOCK, CURRENT EDITION, AS AMENDED.**
- 7. A MINIMUM OF TWO (2) CANOPY STREET TREES SHALL BE PROVIDED FOR EVERY ONE HUNDRED FEET (100') OF PUBLIC RIGHT-OF-WAY. STREET TREES SHALL BE PLACED A MINIMUM OF FORTY FEET (40') APART ALONG THE RIGHT-OF-WAY AND SHALL BE LOCATED SO AS TO MAXIMIZE THE GROWTH POTENTIAL OF THE PLANT MATERIAL, MINIMIZE THE**

**POTENTIAL FOR ROOT INTERFERENCE WITH PUBLIC INFRASTRUCTURE,
AND ENHANCE THE QUALITY OF THE DEVELOPMENT.**

- A. STREET TREES SHALL BE CHOSEN FROM THE SPECIES OUTLINED IN SECTION 8.20.020, AS AMENDED.**
- B. THE FOLLOWING SPECIES ARE NOT ACCEPTABLE FOR USE AS STREET TREES DUE TO BRITTLINESS, GROWING HABITS, AND EXCESSIVE LITTER:**

ACER SACCHARUM	SILVER MAPLE
AESCULUS HIPPOCASTANUM	COMMON HORSECHESTNUT
CEANOTHUS AMERICANUS	NEW JERSEY TEA
CRATAEGUS	HAWTHORN (THORNY SPECIES)
FRAXINUM SPECIES	ASH FAMILY
GINKGO BILOBA	GINKGO (FEMALE SPECIES)
GLEDITSIA	HONEYLOCUST (THORNY SPECIES)
PRUNUS AMERICANA	WILD PLUM

- C. OTHER TREE SPECIES MAY BE USED, PROVIDED ACCEPTABLE INFORMATION IS SUBMITTED TO INDICATE THAT THE SPECIES ARE HARDY STREET TREES. NO ONE SPECIES SHALL COMPOSE MORE THAN TWENTY FIVE PERCENT (25%) OF THE ENTIRE NUMBER OF STREET TREES IN A PARTICULAR DEVELOPMENT.**
- 8. STREET TREES ARE TO BE MAINTAINED AND GUARANTEED FOR A MINIMUM OF TWO (2) YEARS BY THE DEVELOPER. PLANTING OF TREES SHALL OCCUR WITHIN THE STANDARD PLANTING SEASON (MARCH THROUGH NOVEMBER). NO MORE THAN ONE THIRD (1/3RD) OF THE TREE SHALL BE DAMAGED OR DEAD WITHOUT REPLACEMENT. REPLACEMENT OF TREES SHALL CONFORM TO ALL REQUIREMENTS OF THIS SECTION AND SHALL BE MAINTAINED AND GUARANTEED FOR A MINIMUM OF TWO (2) PLANTING SEASONS.**
 - 9. GROUND COVER. GROUND COVER SHALL BE PROVIDED ON ALL AREAS OF THE PROJECT TO PREVENT SOIL EROSION. ALL AREAS WHICH ARE NOT COVERED BY PAVING, STONE, OR OTHER SOLID MATERIAL SHALL BE PROTECTED WITH A SUITABLE GROUND COVER CONSISTING OF SPREADING PLANTS INCLUDING SODS AND GRASSES LESS THAN EIGHTEEN INCHES (18”) IN HEIGHT.**

Chapter 16.20 – Improvements.

16.20.010 – General.

- A. THE IMPROVEMENT PLAT SHALL BE SUBMITTED WITH AN APPLICATION FOR CONSIDERATION AND AN ELECTRONIC COPY OF THE PLAT AND ALL SUBSEQUENT AMENDMENTS.**
- B. THE IMPROVEMENT PLAT SHALL BE DRAWN AT A SCALE OF 10, 20, 30, 40, OR 50 FEET TO ONE INCH (1”). SHEET SIZE SHALL BE 24 INCHES BY 36 INCHES.**

- C. All improvements [~~in a subdivision~~] shall conform with these standards and specifications, and other requirements which may be adopted by the Town, [~~or~~] Frederick County, or by such other governmental agencies which may have jurisdiction over each facility as stipulated below. Nothing, however, shall be construed as prohibiting a [~~subdivider~~] **DEVELOPER** from installing improvements of a higher type **OR QUALITY** than the minimum required herein. All water and sewer improvements shall comply with the “Frederick County [~~General Conditions and~~] Standard [~~Specifications~~] **DETAILS** for Water Mains, Sanitary Sewers, and Related Structures” unless otherwise noted in these regulations.

16.20.020 – Minimum requirements.

A. *{A unchanged}*

B. *{B unchanged}*

1. All fire hydrants shall be **THE M & H Model 929 WITH A FIVE-INCH (5”) STORTZ CONNECTION ON THE PUMPER NOZZLE / STEAMER CONNECTION** or as approved by the Town [~~and County Code~~].

{2 through 9 unchanged}

10. Emmitsburg is underlain by a hard-red shale which in many areas is close enough to the surface to interfere with utility installation. Due to the frequency of rock excavation requiring undercut and backfill, all trenches for pipe installation shall be undercut six inches below subgrade and backfilled with crusher run or stone dust. Use crusher run or stone dust as trench backfill to a point one foot above the top of the pipe. From this point on, backfill as specified in the “Frederick County [~~General Conditions and Standard Specifications~~] and [~~Standard Details.~~] **STANDARD DETAILS FOR WATER MAINS, SANITARY SEWERS, AND RELATED STRUCTURES**”.

C. *{unchanged}*

{1 through 3 unchanged}

4. Emmitsburg is underlain by a hard-red shale which in many areas is close enough to the surface to interfere with utility installation. Due to the frequency of rock excavation requiring undercut and backfill, all trenches for pipe installation shall be undercut six inches below subgrade and backfilled with granular material. Use granular material as trench backfill to a point one foot above the top of the pipe. From this point on, backfill as specified in the “Frederick County [~~General Conditions and Standard Specifications~~] and [~~Standard Details.~~] **STANDARD DETAILS FOR WATER MAINS, SANITARY SEWERS, AND RELATED STRUCTURES**”.

{D through F unchanged}

- G. Monuments and Pipes. Permanent monuments shall be placed **BY A LICENSED SURVEYOR**, as required for markers in [~~Article 17, Section 59 of the 1957 edition of~~] the Annotated Code of Maryland, **AS AMENDED** [~~(or as revised and/or amended)~~]. After grading is completed, the **DEVELOPER AND/OR** subdivider must **ESTABLISH** that monuments are at proper locations. Iron pipes shall be set along the property line of all streets and roads at points of intersection,

curvature or tangency, and at such points along the **DEVELOPMENT AND/OR** subdivision boundaries not already marked by monuments.

- H. Street Lighting. Every **DEVELOPMENT AND/OR** subdivision shall be provided with streetlights. A separate street lighting plan shall be submitted with the improvement [~~plans~~] **PLAT AND SHALL MEET THE SPECIFICATIONS SET FORTH IN §16.20.030.E AND §17.08.230.**

{I through O unchanged}

16.20.030 – Improvement [~~plans~~] **PLATS.**

{A through D unchanged}

- E. Street Lights. Location plan and details for proposed streetlights shall be submitted. Minimum requirements include:

1. All lighting shall be [~~high pressure sodium~~] **LIGHT-EMITTING DIODE (LED)**;
2. *{unchanged}*
3. Maximum height of street lights shall be fifteen [~~(15)~~] feet **(15')** in residential zones and twenty [~~(20)~~] feet **(20')** in [~~commercial and industrial~~] **NONRESIDENTIAL** zones;
4. *{unchanged}*
5. All applicable County and **NATIONAL ELECTRICAL CODE (NEC)** regulations shall be adhered to;
6. The style of light fixtures shall be approved by the Planning Commission and the Mayor [~~and Commissioners~~];
7. *{unchanged}*
8. Lighting Standards.
 - a. Maintain a minimum of .25 foot-candles of light on local access streets. At street intersections, a minimum of .5 foot-candles[~~;~~] ;
 - b. Maintain a minimum of .5 foot-candles of light on all collector streets[~~;~~] ;
 - c. In [~~commercial~~] **NONRESIDENTIAL** areas, maintain a minimum of 1.0 foot-candles of light at street level [~~;~~ in all parking areas and pedestrian walking areas.] ; **AND**
 - d. **PARKING AREAS, MAIN ENTRANCES, AND EXITS, WHICH ARE OPEN TO THE PUBLIC, SHALL BE LIGHTED TO A MINIMUM AVERAGE OF TWO (2) FOOT-CANDLES AND A MAXIMUM OF SIX (6) FOOT-CANDLES.**

9. **THE PLANNING COMMISSION MAY REQUIRE LIGHTS ALONG PROPOSED STREETS AND AT KEY INTERSECTION LOCATIONS, WHERE DEEMED NECESSARY.**
10. **ALL LIGHTING SHALL BE DIRECTED DOWNWARD AND INWARD TO THE SITE. PROPOSED CANOPY LIGHTS SHALL BE FULLY RECESSED AND LIGHT FIXTURES WITHIN PARKING COMPOUNDS SHALL BE EQUIPPED WITH CUTOFF SHIELDS.**

~~[16.20.050—Improvement plans review fees.~~

~~To partially defray the expense of reviewing improvement plans, a fee shall be paid to the Town. This fee must be paid prior to entering into a public works agreement with the Town. Fee shall be two hundred dollars (\$200.00) per sheet. (Includes title sheet, plans, profiles, miscellaneous and special details, excludes those sheets reviewed by county, state agencies for required permits.)]~~

CHAPTER 16.22 – SKETCH PLATS

16.22.010 - SKETCH PLAT SPECIFICATIONS.

A. THE SKETCH PLAT SHALL SHOW THE FOLLOWING INFORMATION:

1. **GENERAL INFORMATION. THE APPLICANT SHALL PROVIDE A NARRATIVE DESCRIBING THE PROPOSED SUBDIVISION OR IMPROVEMENT THAT SHALL ADDRESS THE FOLLOWING ITEMS:**
 - A. **PURPOSE AND SCOPE OF THE SUBDIVISION OR IMPROVEMENT.**
 - B. **EXISTING LAND USE PATTERNS AND CONDITIONS OF SUBJECT TRACT AREA AND CONTIGUOUS PARCELS.**
 - C. **MAJOR DEVELOPMENT FEATURE(S).**
 - D. **PROVISIONS FOR WATER SUPPLY AND SEWAGE DISPOSAL.**
 - E. **HISTORICAL SITES.**
2. **LOCATION MAP. PROVIDE A MAP (MINIMUM SCALE ONE INCH (1”) EQUALS 2,000 FEET) SHOWING THE PROPOSED SUBDIVISION OR IMPROVEMENT’S LOCATION WITH RESPECT TO THE EXISTING COMMUNITY FACILITIES, LOCAL STREET SYSTEMS, AND MUNICIPAL BOUNDARIES.**
3. **SKETCH PLAT. PROVIDE A DRAWING OF THE PROPOSED SUBDIVISION OR IMPROVEMENT WITH THE FOLLOWING FEATURES:**
 - A. **SHEET SIZE SHALL BE 24 INCHES BY 36 INCHES.**
 - B. **NAME AND ADDRESS OF DEVELOPER AND/OR OWNER, NAME OF MUNICIPALITY, PROPOSED NAME OF THE DEVELOPMENT, NORTH ARROW, AND DATE.**

- C. **TRACT BOUNDARIES.**
 - D. **NUMBER OF ACRES IN TRACT, AVERAGE LOT SIZE, APPROXIMATE NUMBER OF LOTS, ANTICIPATED TYPE OF DEVELOPMENT.**
 - E. **EXISTING AND PROPOSED STREETS, HIGHWAYS, RIGHTS-OF-WAY, SEWERS, WATER MAINS, FIRE HYDRANTS, AND STORM SEWERS.**
 - F. **PROPOSED GENERAL LOT LAYOUT.**
 - G. **ALL PUBLIC FACILITIES SUCH AS SCHOOLS AND PARKS.**
 - H. **PREDOMINANT NATURAL FEATURES SUCH AS WOODED AREAS, STREAMS, WETLANDS, FLOODPLAINS, AND OTHERS AS ADDRESSED IN THE TOWN'S COMPREHENSIVE PLAN.**
 - I. **A LOCATION MAP FOR THE PURPOSE OF LOCATING OTHER STREETS, DEVELOPMENTS, RECREATION AREAS, AND RIGHTS-OF-WAY TO BETTER PLAN THE PROPERTY LOCATIONS OF THE SAME.**
 - J. **TOPOGRAPHY, SHOWING CONTOURS AT VERTICAL INTERVALS OF FIVE FEET (5') OR AS REQUIRED BY THE TOWN ENGINEER.**
 - K. **NAME OF THE ENGINEER, SURVEYOR, OR OTHER QUALIFIED PERSON RESPONSIBLE FOR THE MAP(S).**
- 4. THE SKETCH PLAT SHOULD BE DRAWN TO SCALE; HOWEVER, APPROXIMATE DIMENSIONS WILL BE ACCEPTED. THE PLAT MAY BE A SIMPLE SKETCH DRAWN ON A TOPOGRAPHIC MAP.**

Chapter 16.24 – Preliminary Plats.

16.24.020 – [~~General style and form~~] **PRELIMINARY PLAT SPECIFICATIONS.**

- A. [~~Provide Information. It shall provide all the pertinent information as to existing site conditions, property ownership, and the like, that may be necessary for the planning commission and mayor and commission to properly consider the proposed subdivision. This information shall be accurate and reliable.~~] **THE PRELIMINARY PLAT SHALL BE SUBMITTED WITH AN APPLICATION FOR CONSIDERATION OF A SUBDIVISION PLAT AND AN ELECTRONIC COPY OF THE PLAT AND ALL SUBSEQUENT AMENDMENTS.**
- B. [~~Show Plan of Development. It shall show the general plan of ultimate development for the property, covering the entire tract of land or so much of it as may be considered to be necessary for an adequate consideration of the part to be subdivided. This information should be drawn to scale.~~] **THE PRELIMINARY PLAT SHALL BE DRAWN AT A SCALE OF 10, 20, 30, 40, OR 50 FEET TO ONE INCH (1"). SHEET SIZE SHALL BE 24 INCHES BY 36 INCHES. THE PRELIMINARY PLAT SHALL SHOW THE FOLLOWING INFORMATION:**
 - 1. PROPOSED SUBDIVISION NAME OR IDENTIFYING TITLE.**

2. **THE MUNICIPALITY OR MUNICIPALITIES IN WHICH THE SUBDIVISION IS LOCATED. IF THE PROJECT IS LOCATED IN THE VICINITY OF A MUNICIPAL BOUNDARY, THE LOCATION OF SAID BOUNDARY SHALL BE SHOWN ON THE PLAN.**
3. **NORTH POINT, SCALE, AND DATE.**
4. **NAME AND ADDRESS OF THE OWNER OF THE PROPERTY OR AUTHORIZED AGENT.**
5. **NAME, SEAL, AND SIGNATURE OF THE REGISTERED ENGINEER AND REGISTERED SURVEYOR RESPONSIBLE FOR THE PLAN.**
6. **TOTAL ACREAGE OF THE TRACT.**
7. **MAXIMUM BUILDING HEIGHT, NUMBER OF LOTS, PROPOSED DENSITY, AND MINIMUM LOT SIZE.**
8. **SIGNATURE BLOCKS FOR APPROVAL BY THE MAYOR, PLANNING COMMISSION CHAIRPERSON, AND FREDERICK COUNTY DEPARTMENT OF HEALTH.**
9. **LENGTH, WIDTH, AND TENTATIVE GRADES OF NEW STREETS PROPOSED.**
10. **TYPE AND LOCATIONS OF WATER SUPPLY AND SEWAGE DISPOSAL FACILITIES PROPOSED.**
11. **PROPOSED USE OF LAND, EXISTING ZONING CLASSIFICATION FOR THE PROPERTY AND ALL SURROUNDING PROPERTIES, AND PROOF OF ANY VARIANCES OR SPECIAL EXCEPTIONS WHICH MAY HAVE BEEN GRANTED.**
12. **A LOCATION MAP FOR THE PURPOSE OF LOCATING THE SITE IN RELATION TO THE SURROUNDING NEIGHBORHOOD AND COMMUNITY. THE LOCATION MAP SHOULD BE AT A SCALE OF NOT LESS THAN 2,000 FEET TO ONE INCH (1”).**
13. **TRACT BOUNDARIES CLEARLY SHOWING BEARINGS AND DISTANCES. LOT LINE DESCRIPTIONS SHALL READ IN A CLOCKWISE DIRECTION.**
14. **SOURCE OF TITLE OF ALL EXISTING LOTS.**
15. **PROPOSED CONTOURS AT FIVE-FOOT (5') VERTICAL INTERVALS OR AS AUTHORIZED BY THE TOWN ENGINEER.**
16. **DATUM TO WHICH CONTOUR ELEVATIONS REFER. WHERE REASONABLY PRACTICABLE, DATA SHALL REFER TO U.S. COASTAL AND GEODETIC SURVEY DATUM.**
17. **THE NAMES OF OWNERS IMMEDIATELY ADJACENT LAND, THE NAMES OF PROPOSED OR EXISTING DEVELOPMENTS IMMEDIATELY ADJACENT, AND THE LOCATIONS AND DIMENSIONS OF ANY STREETS OR EASEMENTS SHOWN THEREON WHICH ABUT THE LAND TO BE DEVELOPED.**
18. **SOIL TYPES.**
19. **ALL EXISTING WATERCOURSES, TREE MASSES, AND OTHER SIGNIFICANT NATURAL FEATURES, SUCH AS ROCK OUTCROPS, SPRINGS, SEEPS, WETLANDS, AND FLOODPLAINS.**

20. ALL EXISTING BUILDINGS, SEWERS, WATER MAINS, CULVERTS, PETROLEUM LINES, TELEPHONE AND ELECTRICAL LINES, GAS LINES, FIRE HYDRANTS, AND OTHER MAN-MADE FEATURES, INCLUDING SIZE, TYPE, LOCATION, AND OWNERSHIP.
21. ALL EXISTING STREETS ON, ADJACENT TO, OR WITHIN TWO HUNDRED FEET (200') OF ANY PART OF THE TRACT, INCLUDING NAME, RIGHT-OF-WAY WIDTH, AND CARTWAY WIDTH.
22. ALL EXISTING PROPERTY LINES, EASEMENTS AND RIGHTS-OF-WAY AND THE PURPOSE FOR WHICH THE EASEMENTS OR RIGHTS-OF-WAY HAVE BEEN ESTABLISHED, WITH ACCURATE DIMENSIONS, BEARINGS OR DEFLECTION ANGLES AND RADII, ARCS, AND CENTRAL ANGLES OF ALL CURVES. TRANSMISSION LINE EASEMENTS FOR GAS, ELECTRIC, AND PETROLEUM LINES SHALL BE SPECIFICALLY NOTED AS SUCH. SPECIAL CONDITIONS REQUIRED BY THESE EASEMENTS SHALL BE NOTED ON THE PLAN.
23. BLOCKS AND LOTS SHALL BE NUMBERED IN CONSECUTIVE ORDER (E.G., BLOCK A, LOTS 1 – 10; BLOCK B, LOTS 11 – 22).
24. LOCATION OF ALL PROPOSED BUILDINGS AND OTHER SIGNIFICANT PROPOSED MAN-MADE FEATURES.
25. LOCATION, DIMENSIONS, AND PURPOSE OF ALL PROPOSED STREETS, ALLEYS, SIDEWALKS, RIGHTS-OF-WAY AND EASEMENTS, PROPOSED LOT LINES WITH DIMENSIONS, DRIVEWAY ACCESS POINTS ON ALL LOTS WHERE PROPOSED, SHARED DRIVEWAYS, PROPOSED MINIMUM BUILDING SETBACK LINE AND DIMENSIONS FOR EACH STREET, PLAYGROUNDS, PUBLIC BUILDINGS, PUBLIC AREAS, AND PARCELS OF LAND PROPOSED TO BE DEDICATED OR RESERVED FOR PUBLIC USE.
26. THE LOCATION OF EXISTING LOT LINE MARKERS ALONG THE PERIMETER OF THE ENTIRE EXISTING TRACT.
27. LOCATION, DIMENSIONS, AND PURPOSE OF ALL PROPOSED SANITARY SEWER, WATER, STORM SEWER, AND STORMWATER MANAGEMENT FACILITIES.
28. WHERE THE PRELIMINARY PLAT COVERS ONLY A PART OF THE DEVELOPER'S ENTIRE HOLDING, A SKETCH SHALL BE REQUIRED OF THE PROSPECTIVE STREET LAYOUT FOR THE REMAINDER.
29. THE LOCATION AND CONFIGURATION OF PROPOSED PARKING FACILITIES AND ACCESS DRIVES.
30. A NOTARIZED STATEMENT TO THE EFFECT THAT THE APPLICANT IS THE OWNER OF THE LAND PROPOSED TO BE DEVELOPED AND THAT THE IMPROVEMENTS SHOWN ON THE PRELIMINARY PLAT ARE MADE WITH THE APPLICANT'S FREE CONSENT.
31. RECREATION AND OPEN SPACE AREAS.
32. LOCATION AND SIGHT DISTANCES OF DRIVEWAY ACCESS POINTS.
33. WHEN PHASING OF THE DEVELOPMENT IS PROPOSED, PLANS SHALL ILLUSTRATE A PHASING PLAN THAT INCLUDES ALL PLAN ELEMENTS REQUIRED BY THIS CHAPTER.

- 34. WHERE THE PLAN PROPOSES THE CREATION OF ANY NEW STREETS, THE APPLICATION SHALL BE ACCOMPANIED BY A LISTING OF PROPOSED STREET NAMES, WHICH SHALL BE REVIEWED BY THE APPROPRIATE OFFICIALS OF THE TOWN OF EMMITSBURG AND THE UNITED STATES POSTAL SERVICE TO DETERMINE THAT THE SAME ARE NOT IDENTICAL OR DECEPTIVELY SIMILAR TO ANY EXISTING STREET NAME.**
 - 35. A STATEMENT ON THE PLAN INDICATING ANY ZONING AMENDMENT, SPECIAL EXCEPTION, OR VARIANCE, IF APPLICABLE.**
 - 36. A STATEMENT ON THE PLAN INDICATING ANY EXISTING OR PROPOSED MODIFICATIONS GRANTED BY THE PLANNING COMMISSION.**
 - 37. RADIUS OF STREETS AND TURNAROUNDS.**
- C. ~~[Drawing Material. It may be drawn in pencil or ink, in a reproducible material, and shall be at a scale no smaller than one inch per one hundred (100) feet.]~~ **IF APPLICABLE, THE PRELIMINARY PLAT SHALL BE ACCOMPANIED BY:**
- 1. ADEQUATE PUBLIC FACILITIES DETERMINATION OF ADEQUACY REPORT IN ACCORDANCE WITH CHAPTER 14.04.**
 - 2. FOREST STAND DELINEATION AND FOREST CONSERVATION PLANS IN ACCORDANCE WITH CHAPTER 16.44.**
 - 3. MAXIMUM DENSITY AND/OR UNIT YIELD PLAN IN ACCORDANCE WITH TITLE 17, SHOWING THE TOTAL ACREAGE OF THE TRACT AND CONSTRAINED LAND AREA, WITH DETAILED SUPPORTING CALCULATIONS.**
 - 4. COMMUNITY ASSOCIATION DOCUMENT. A COMMUNITY ASSOCIATION DOCUMENT, ALSO KNOWN AS A "HOMEOWNERS' ASSOCIATION DOCUMENT" OR A "CONDOMINIUM ASSOCIATION DOCUMENT", SHALL BE PROVIDED FOR ALL SUBDIVISION APPLICATIONS WHICH PROPOSE LANDS OR FACILITIES TO BE USED OR OWNED IN COMMON BY ALL THE RESIDENTS OF THAT SUBDIVISION AND NOT DEEDED TO THE MUNICIPALITY. THE ELEMENTS OF THE COMMUNITY ASSOCIATION DOCUMENT SHALL INCLUDE, BUT NOT BE LIMITED TO, THE FOLLOWING:**
 - A. A DESCRIPTION OF ALL LANDS AND FACILITIES TO BE OWNED BY THE COMMUNITY ASSOCIATION. THE DESCRIPTION SHALL INCLUDE A MAP OF THE PROPOSAL HIGHLIGHTING THE PRECISE LOCATION OF THOSE LANDS AND FACILITIES.**
 - B. STATEMENTS SETTING FORTH THE POWERS, DUTIES, AND RESPONSIBILITIES OF THE COMMUNITY ASSOCIATION, INCLUDING THE SERVICES TO BE PROVIDED.**
 - C. A DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS, GIVING PERPETUAL EASEMENT TO THE LANDS AND FACILITIES OWNED BY THE COMMUNITY ASSOCIATION. THE DECLARATION SHALL BE A LEGAL DOCUMENT WHICH ALSO PROVIDES FOR AUTOMATIC ASSOCIATION MEMBERSHIP FOR ALL OWNERS IN THE SUBDIVISION OR IMPROVEMENT AND SHALL DESCRIBE THE MECHANISM BY WHICH OWNERS**

PARTICIPATE IN THE ASSOCIATION, INCLUDING VOTING, ELECTIONS, AND MEETINGS. FURTHERMORE, IT SHALL GIVE POWER TO THE ASSOCIATION TO OWN AND MAINTAIN THE COMMON PROPERTY AND TO MAKE AND ENFORCE RULES.

- D. STATEMENTS PRESCRIBING THE PROCESS WHICH COMMUNITY ASSOCIATION DECISIONS ARE REACHED AND SETTING FORTH THE AUTHORITY TO ACT.**
- E. STATEMENTS REQUIRING EACH OWNER WITHIN THE SUBDIVISION TO BECOME A MEMBER OF THE COMMUNITY ASSOCIATION.**
- F. STATEMENTS SETTING CROSS-COVENANTS OR CONTRACTUAL TERMS BINDING EACH OWNER TO ALL OTHER OWNERS FOR MUTUAL BENEFIT AND ENFORCEMENT.**
- G. REQUIREMENTS FOR ALL OWNERS TO PROVIDE A PRO RATA SHARE OF THE COST OF THE OPERATIONS OF THE COMMUNITY ASSOCIATION.**
- H. A PROCESS OF COLLECTION AND ENFORCEMENT TO OBTAIN FUNDS FROM OWNERS WHO FAIL TO COMPLY.**
- I. A PROCESS FOR TRANSITION OF CONTROL OF THE COMMUNITY ASSOCIATION FROM THE DEVELOPER TO THE UNIT OWNERS.**
- J. STATEMENTS DESCRIBING HOW THE LANDS AND FACILITIES OF THE COMMUNITY ASSOCIATION WILL BE INSURED, INCLUDING LIMIT OF LIABILITY.**
- K. PROVISIONS FOR THE DISSOLUTION OF THE COMMUNITY ASSOCIATION, IN THE EVENT THE ASSOCIATION SHOULD BECOME UNVIABLE, INCLUDING PROVISIONS REQUIRING INDIVIDUAL UNIT OWNERS' RESPONSIBILITY FOR MAINTENANCE OF COMMON AREAS AND PRIVATE STREETS AFTER THE DISSOLUTION OF THE ASSOCIATION.**

~~[D. Include Key Map. It shall include a small scale key map showing the location of the property and its relation to other known major subdivisions, roads, streams, etc.]~~

~~[E. Title Information:~~

- ~~1. Proposed subdivision name, which shall not duplicate nor closely approximate the name of any other subdivision in the county;~~
- ~~2. Names and addresses of owner, subdivider or developer, and the designer, surveyor or engineer;~~
- ~~3. Description of subdivision location by streets, tract, political subdivision, etc.;~~
- ~~4. Scale, north point, and date.]~~

~~[16.24.030 Information as to existing physical conditions.~~

~~A.—Boundaries. Boundaries of the land being subdivided in heavy outline, and the acreage therein.~~

~~B.—Topography. Topographic contours at five foot intervals. Contours shall extend one hundred (100) feet beyond the subdivision boundary except across a public road.~~

- ~~C.— Physical Features. Water courses, wooded area, buildings, transmission lines, pipe lines, other utilities, bridges, and any other significant physical items, with the sizes and grades of any water or sewer lines.~~
- ~~D.— Streets and Roads. Locations, widths, and names of all existing roads, streets, alleys, or other public ways within or adjoining the subdivision or intersecting any street that bounds it including those recorded but unimproved (shown by dotted lines) railroad, utility, or other rights of way or easements, parks, and other public spaces, subdivisions, lots, and property lines; corporate lines and the locations and outlines of permanent buildings.]~~

~~[16.24.040— Information as to proposed development.~~

- ~~A.— Street Pattern. Layout, widths, center line, proposed roads, streets, alleys, crosswalks, and easements.~~
- ~~B.— Lots. Layout, numbering, and dimensions of proposed lots or parcels.~~
- ~~C.— Open Spaces. Parcels of land intended to be conveyed or temporarily reserved for public use or for the joint use of property owners, with an explanation of the provisions or conditions of such conveyance or reservation and the proposed arrangements for ownership and maintenance.~~
- ~~D.— Street Grades. Tentative grades on each street.~~
- ~~E.— Utilities. Locations for utilities and drainage facilities, with six foot easements for same on each side of rear and side property lines.~~
- ~~F.— Building Setback. Proposed building lines along all streets, with the amount of setback indicated.~~
- ~~G.— Proposed Zoning Change. Proposed uses of property and any proposed zoning changes.]~~

Chapter 16.28 – Final Plats

16.28.020 – [General style and form.] **FINAL PLAT SPECIFICATIONS.**

- A. [Drawing. It shall be legibly and accurately drawn on tracing linen or mylar sheets no larger than twenty (20) inches x twenty four (24) inches in size, and at a scale of one inch to fifty (50) feet, or one inch to one hundred (100) feet, depending upon the size and nature of the subdivision. If more space is needed, additional sheets may be used.] **THE FINAL PLAT SHALL BE SUBMITTED WITH AN APPLICATION FOR CONSIDERATION OF A SUBDIVISION PLAT AND AN ELECTRONIC COPY OF THE PLAT AND ALL SUBSEQUENT AMENDMENTS.**
- B. [Meet Platting Requirements. It shall conform in all respects to the requirements of Article 17, Section 59, of the Annotated Code of Maryland, which relates to the making, filing, and recording of plats. Among other things, the Article above requires that plats for recording must be surveyed and certified by a registered surveyor.] **THE FINAL PLAT SHALL BE DRAWN AT A SCALE OF 10, 20, 30, 40, OR 50 FEET TO ONE INCH (1”). SHEET SIZE SHALL BE 18 INCHES BY 24 INCHES. THE FINAL PLAT SHALL SHOW THE FOLLOWING INFORMATION:**
- 1. DETAILS SHALL INCLUDE ALL APPLICABLE INFORMATION IN ACCORDANCE WITH CHAPTER 16.24.**
 - 2. CERTIFICATION OF TITLE SHOWING THAT THE APPLICANT IS THE OWNER OF THE LAND.**
 - 3. CERTIFICATION BY A LICENSED SURVEYOR AND LICENSED ENGINEER CERTIFYING TO THE ACCURACY OF SURVEY AND PLAT.**
 - 4. PRIMARY CONTROL POINTS, APPROVED BY THE TOWN ENGINEER, OR DESCRIPTION AND “TIES” TO SUCH CONTROL POINTS, TO WHICH ALL**

DIMENSIONS, ANGLES, BEARINGS, AND SIMILAR DATA ON THE PLAT SHALL BE REFERRED.

- 5. SUFFICIENT DATA TO DETERMINE READILY THE LOCATION, BEARING AND LENGTH OF EVERY STREET, LOT AND BOUNDARY LINE AND TO REPRODUCE SUCH LINES UPON THE GROUND. SUCH DATA TO BE TIED IN TO MONUMENTS AS REQUIRED.**
- 6. ALL DIMENSIONS AND ANGLES OR BEARINGS OF THE LINES OF EACH LOT AND OF EACH AREA PROPOSED TO BE DEDICATED TO PUBLIC USE AND THE PURPOSE FOR SUCH AREAS. ANY SHARED OR COMMON DRIVEWAYS BETWEEN OR AMONG LOTS SHALL BE CLEARLY DELINEATED AND MAINTENANCE AGREEMENTS FOR SUCH DRIVEWAYS SHALL BE INCLUDED.**
- 7. ALL DIMENSIONS SHALL BE SHOWN IN FEET AND HUNDREDTHS OF A FOOT.**
- 8. THE LOCATION AND MATERIALS FOR PERMANENT REFERENCE MONUMENTS SHALL BE SHOWN ON THE PLAT.**
- 9. STATEMENT OF OWNER DEDICATING STREETS, RIGHTS-OF-WAY, AND ANY SITES FOR PUBLIC USE WHICH ARE TO BE DEDICATED.**
- 10. THE FINAL GRADING PLAN SHALL INCLUDE FINISH FLOOR ELEVATIONS FOR PROPOSED STRUCTURES AND SPOT ELEVATIONS AS NEEDED TO CLARIFY PROPOSED GRADES.**
- 11. PLATS MUST BE PREPARED IN PERMANENT BLACK INK.**
- 12. PLATS SHALL BE LEGIBLE IN ALL DETAILS.**
- 13. WHEN PHASING OF THE DEVELOPMENT IS PROPOSED, PLATS SHALL ILLUSTRATE A PHASING PLAN THAT INCLUDES ALL PLAN ELEMENTS REQUIRED BY THIS CHAPTER.**

~~[C. Title Information:~~

- ~~1. Subdivision name;~~
- ~~2. Location by election districts, city or county and state;~~
- ~~3. Names and addresses of the owners of record, the subdivider, and the engineer or surveyor;~~
- ~~4. Scale, date, and north point;~~
- ~~5. A map to scale showing location in county.]~~

~~[16.28.030 Graphic information:~~

- ~~A. [Boundaries. Exact boundaries of the area included within the subdivision with dimensions to hundredths of a foot and bearings to half minutes. These boundaries shall be determined by an accurate survey in the field, which shall be balanced and closed with an error of closure not to exceed one in five thousand (5,000).]~~
- ~~B. [Bearings and Distances. Bearings and distances to the nearest recorded property corners or other monuments which shall be located or accurately described on the plat.]~~
- ~~C. [Monuments. The accurate locations and descriptions of all permanent monuments. Where applicable and feasible the coordinates of all permanent markers or monuments should be based on~~

~~the Maryland Coordinate System, (Lambert Conformal Conic Project, adopted by Act of General Assembly 1939, Chapter 628).]~~

~~D. [Adjoining Owners. Names and locations of adjoining subdivisions and the locations and ownership of adjoining unsubdivided property.]~~

~~E. [Adjoining Roads. Exact locations, width, and name of each existing or recorded road or street adjoining or intersecting the boundaries of the tract.]~~

~~F. Engineering Data. The exact location and width of every road, street, alley, easement, or other public or private way within the tract, with the length and bearing of every tangent, length of arcs, radii, internal angles, point of curvature, and any other necessary engineering data; with the names of such ways, and the purpose of easements or other ways. Accurate location of every lot line with its dimension to hundredths of a foot and bearings to minutes.~~

~~G. Street Names. A name must be given to all new streets, drives, and cul de sacs according to the requirements in Section 16.20.030(O).~~

~~H. Setback Lines. Minimum building setback lines on all lots.~~

~~I. Numbering. Blocks lettered in alphabetical order, and lots numbered in numerical order.~~

~~J. Public Lands. Accurate outlines or any areas dedicated or reserved for public use, or for any other purpose except sale, with the purpose indicated.~~

~~K. Lot Area. Accurate area of each lot or parcel, other than public ways.~~

~~L. Municipal Lines. Accurate location of the municipal or district line traversing or closely related to the tract.~~

~~M. Drainage Lines. Existing and relocated courses of any water courses traversing the tract, with the right of way or easement lines provided therefore.]~~

~~[16.28.040 Certificates and other information:~~

~~A. Owner's Certificate. Owner's certificate, signed and notarized, acknowledging ownership of the property and agreeing to the subdividing thereof as shown on the plat also offering for dedication all streets and other ways and places intended for public use.~~

~~B. Engineer's Certificate. Certificate of the surveyor to the effect that the plat represents a survey made by him, that it is accurate to the best of his knowledge, and that all monuments and pipes indicated thereon actually exist and their locations and descriptions are correctly shown, and that all requirements of these subdivision regulations and of other applicable laws have been fully complied with.~~

~~C. Agencies Approvals. A space shall be provided for certificate of approval by the chairman of the planning commission and signed by the mayor. In case any part of the subdivision is located within the jurisdiction of the county, an additional space should be provided for certificate of approval by the chairman of the county planning commission.~~

~~D. Protective Covenant. Protective covenants which apply to all the area as shown by the recorded plat shall be part of the recorded plat.]~~

Chapter 16.32 - Modifications and Exceptions

16.32.010 – Variations for self-contained developments.

The general principles and standards of subdivision development stipulated in Chapters 16.16 and 16.20 may be ~~[varied]~~ **MODIFIED** by the Mayor and **PLANNING** Commission in a case of a

subdivision large enough to constitute a more-or-less self-contained neighborhood to be developed in accordance with the comprehensive plan safe-guarded by appropriate restrictions, which in the ~~[judgement]~~ **JUDGMENT** of the Mayor and **PLANNING** Commission make adequate provisions for all essential conditions provided, however, that no modification shall be granted which would conflict with the intent of the Town or County Master ~~[highway]~~ **TRANSPORTATION** plans or of any other part of the Town or County comprehensive Development Plan, or with the intent and purpose of these regulations and the Town ~~[or County]~~ Zoning Ordinance[s]; and provided that the Town or County shall not be obligated to accept any improvements constructed under the permission granted through this chapter.

Chapter 16.36 – Fees.

16.36.010 – ~~[Final plat]~~ **ANNEXATION** fees.

~~[Fees shall be paid by the subdivider for each final plat, when submitted to the Planning Commission as designated in policy No. P99-03 Review Fees.]~~ **ANNEXATION REVIEW FEES SHALL BE ESTABLISHED FROM TIME TO TIME BY POLICY, RESOLUTION, OR ORDINANCE BY THE TOWN AND SHALL BE PAID FOR BY THE APPLICANT AT THE TIME OF APPLICATION.**

16.36.020 – ~~[Base review]~~ **SKETCH PLAT** fees.

~~[A base review fee shall be paid by the subdivider for each preliminary plat, plus a per lot fee as designated in policy No. P99-03 Review Fees.]~~ **SKETCH PLAT REVIEW FEES SHALL BE ESTABLISHED FROM TIME TO TIME BY POLICY, RESOLUTION, OR ORDINANCE BY THE TOWN AND SHALL BE PAID FOR BY THE APPLICANT AT THE TIME OF APPLICATION.**

16.36.030 – ~~[Lot]~~ **PRELIMINARY SUBDIVISION PLAT** fees.

~~[A base fee plus a fee per lot shown on the final plat shall be paid to as designated in policy No. P99-03 Review Fees to partially cover the cost of considering, examining, and checking the plat as required in this regulation.]~~ **PRELIMINARY PLAT REVIEW FEES SHALL BE ESTABLISHED FROM TIME TO TIME BY POLICY, RESOLUTION, OR ORDINANCE BY THE TOWN AND SHALL BE PAID FOR BY THE APPLICANT AT THE TIME OF APPLICATION.**

16.36.040 – FINAL SUBDIVISION PLAT FEES.

FINAL PLAT REVIEW FEES SHALL BE ESTABLISHED FROM TIME TO TIME BY POLICY, RESOLUTION, OR ORDINANCE BY THE TOWN AND SHALL BE PAID FOR BY THE APPLICANT AT THE TIME OF APPLICATION.

16.36.050 – IMPROVEMENT PLAT FEES.

IMPROVEMENT PLAT REVIEW FEES SHALL BE ESTABLISHED FROM TIME TO TIME BY POLICY, RESOLUTION, OR ORDINANCE BY THE TOWN AND SHALL BE PAID FOR BY THE APPLICANT AT THE TIME OF APPLICATION.

BE IT FURTHER RESOLVED, ENACTED AND ORDAINED that this Ordinance shall take effect on the date on which the Mayor approves the Ordinance after passing by the Board of Commissioners or on the date on which the Board of Commissioners passes the Ordinance over the veto of the Mayor.

PASSED this ___ day of _____, 2020
by a vote of _____ for, _____ against, _____ absent, and _____ abstain.

ATTEST:

EMMITSBURG BOARD OF COMMISSIONERS:

Madeline Shaw, Town Clerk

Clifford Sweeney, President

MAYOR

_____ APPROVED _____ VETOED

this _____ day of _____, 2020.

Donald N. Briggs, Mayor

I hereby certify that the foregoing Ordinance has been posted as required by Chapter 2.04 of the Emmitsburg Municipal Code.

Madeline Shaw, Town Clerk
Date:

AGENDA ITEM# 6. Hold public hearing and adoption of proposed Ordinance 2020-09 (Zoning Amendment) for consideration: Presentation at meeting by town staff.

- **Note:** The Planning Commission recommended approval of Ordinance 2020-09 at their August 31, 2020 meeting with the following comments:
 1. Section 17.08.230.A.3 - "Street lighting fixtures, when required for safety considerations, **SHALL** [~~may~~] be controlled by photocells for dusk to dawn operation."
 2. Section 17.20.030 - "Any use permitted in the [~~General Commercial (B-2)~~] **NEIGHBORHOOD COMMERCIAL (B-1)** District as well as the following uses:"

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ORD. NO: 20 – 09

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AN ORDINANCE TO AMEND
TITLE 17
OF THE CODE OF EMMITSBURG
ENTITLED
ZONING

BE IT RESOLVED, ENACTED AND ORDAINED by the Mayor and Board of Commissioners of the Town of Emmitsburg, Maryland, pursuant to the authority granted to them by the laws of Maryland and the Charter of the Town of Emmitsburg, that Title 17, Zoning, of the Emmitsburg Municipal Code, be amended as follows:

New language is indicated by being in **BOLD, CAPITAL LETTERS**, and deleted language is designated by being in [~~brackets and strike out~~].

Chapter 17.04 - General Provisions

17.04.020 – Definitions

- A. {*unchanged*}
- B. {*“Agriculture” through “Boarding house” unchanged*}

“BUFFER AREA” MEANS A STRIP OF LAND WHICH IS PLANTED AND MAINTAINED IN SHRUBS, BUSHES, TREES, GRASS OR OTHER LANDSCAPING MATERIAL AND WITHIN WHICH NO STRUCTURE IS PERMITTED EXCEPT A WALL OR FENCE.

“BUFFER YARD” MEANS AN OPEN AREA WHOSE DIMENSIONS MAY EXCEED THE NORMAL BUILDING SETBACK OR YARD REQUIREMENT USED TO PROTECT LOW-DENSITY USES AND ZONING DISTRICTS FROM ADJACENT HIGHER-DENSITY USES AND DISTRICTS.

{*“Building” through “Junk yard” unchanged*}

“LANDSCAPE PLAN” MEANS A COMPONENT OF A SUBDIVISION, SITE AND/OR IMPROVEMENT PLAN ON WHICH IS SHOWN PROPOSED LANDSCAPE SPECIES (INCLUDING NUMBER, SPACING, SIZE AT TIME OF PLANTING, AND PLANTING DETAILS); PROPOSALS FOR PROTECTION OF EXISTING VEGETATION DURING AND AFTER CONSTRUCTION; PROPOSED TREATMENT OF HARD AND PERMEABLE SURFACES; PROPOSED DECORATIVE FEATURES, GRADE CHANGES, BUFFERS AND SCREENING DEVICES; AND ANY OTHER INFORMATION THAT CAN REASONABLY BE REQUIRED IN ORDER THAT AN INFORMED DECISION CAN BE MADE BY THE PLANNING COMMISSION.

{*“Lot” through “Place of worship” unchanged*}

“Plan” means the policies, statements, goals, and interrelated plans for private and public land use, transportation, and community facilities documented in texts and maps which constitute the guide for the area’s future ~~[developer]~~ **DEVELOPMENT**. For the purposes of this definition, the word plan includes general plan, master plan, comprehensive plan, community plan, and the like as adopted in accordance with ~~[Section 3.00 of Article 66B]~~ **THE LAND USE ARTICLE** of the Annotated Code of Maryland.

“Private club” through “Zoning map” unchanged}

Chapter 17.08 - General Regulations

17.08.010 – Establishment of Districts.

For the purpose of this title, all land within the town is designated on the zoning map as being in one of the following districts:

- ~~[INST]~~ Institutional (**INST**);
- ~~[R-1]~~ Low Density Residential (**R-1**);
- ~~[R-2]~~ Medium Density Residential (**R-2**);
- ~~[R-3]~~ High Density Residential (**R-3**);
- ~~[R-S]~~ Residential Suburban (**R-S**);
- ~~[VZ]~~ Village Zone (**VZ**);
- ~~[B-1]~~ Neighborhood ~~[Business]~~ **COMMERCIAL (B-1)**;
- ~~[B-2]~~ ~~[Shopping Center]~~ **GENERAL COMMERCIAL (B-2)**;
- ~~[IP-Light]~~ Industrial Park (**I-P**);
- ~~[ORI]~~ Office, Research, Industrial (**ORI**);
- ~~[C-R]~~ Conservation/Recreation (**C-R**).

17.08.140 – Off-Street Parking

{A – H unchanged}

I. LIGHTING

1. **PARKING AREAS, MAIN ENTRANCES, AND EXITS, WHICH ARE OPEN TO THE PUBLIC, SHALL BE LIGHTED TO A MINIMUM AVERAGE OF TWO (2) FOOT-CANDLES AND A MAXIMUM OF SIX (6) FOOT-CANDLES. ALL LIGHTING SHALL BE SO ARRANGED AS TO REFLECT THE LIGHT**

For more information, go to www.emmitsburgmd.gov

DOWNWARD AND AWAY FROM ADJOINING PREMISES AND PUBLIC RIGHTS-OF-WAY. LIGHTING PLANS, INCLUDING PHOTOMETRICS AND ALL DETAILS, SHALL BE INCLUDED WITH ALL PLANS.

- 2. THE PLANNING COMMISSION MAY REQUIRE LIGHTS ALONG PROPOSED STREETS AND AT KEY INTERSECTION LOCATIONS, WHERE DEEMED NECESSARY.**
- 3. ALL LIGHTING SHALL BE DIRECTED DOWNWARD AND INWARD TO THE SITE. PROPOSED CANOPY LIGHTS SHALL BE FULLY RECESSED AND LIGHT FIXTURES WITHIN PARKING COMPOUNDS SHALL BE EQUIPPED WITH CUTOFF SHIELDS.**
- 4. MAXIMUM HEIGHT OF STREET LIGHTS SHALL BE FIFTEEN FEET (15') IN RESIDENTIAL ZONES AND TWENTY FEET (20') IN NON-RESIDENTIAL ZONES;**

17.08.160 – [~~Obstructions to vision at intersections prohibited~~] CLEAR SIGHT TRIANGLE, SIGHT DISTANCE.

~~[On any corner lot in all districts there shall be no obstruction to traffic visibility within thirty five (35) feet of the intersection of the two street property lines of the corner lot, or the street right of way lines, whichever is more restrictive.]~~

- A. IN A CLEAR SIGHT TRIANGLE, NO WALK, FENCE, SIGN, OR OTHER STRUCTURE SHALL BE ERECTED OR ALTERED AND NO HEDGE, TREE, SHRUB, OR OTHER GROWTH SHALL BE MAINTAINED OR PERMITTED BETWEEN THREE (3) AND EIGHT (8) FEET ABOVE GRADE, WHICH MAY CAUSE DANGER BY OBSCURING THE SIGHT LINES.**
- B. A CLEAR SIGHT TRIANGLE SHALL BE MAINTAINED AT ALL INTERSECTIONS OF STREETS WITH STREETS, DRIVEWAYS WITH STREETS, AND PRIVATE ROADS WITH STREETS, WITHIN WHICH NO STRUCTURE OR GROWING MATERIAL SHALL EXCEED A HEIGHT OF THREE FEET (3') ABOVE THE GRADE OF THE STREET, DRIVEWAY, OR ROAD, AND NO BRANCH OF A TREE OR SIGN OF ANY KIND SHALL BE LOWER THAN NINE FEET (9') ABOVE THE GRADE OF THE STREET, DRIVEWAY, OR ROAD. THE CLEAR SIGHT TRIANGLE SHALL BE:
 - 1. SEVENTY-FIVE FEET (75') MEASURED ALONG THE CENTER LINES OF INTERSECTING STREETS.**
 - 2. FORTY FEET (40') MEASURED ALONG THE CENTER LINE OF A PRIVATE DRIVEWAY OR PRIVATE ROAD AND THE INTERSECTED STREET.****

17.08.220 - GENERAL BUFFER REGULATIONS

- A. THE TOWN OF EMMITSBURG RECOGNIZES THAT THE PROCESSES OF DEVELOPMENT CAN ALTER NATURAL TOPOGRAPHY AND VEGETATION, AS WELL AS CAUSE OTHER NEGATIVE EFFECTS. THE TOWN ALSO RECOGNIZES THAT DEVELOPMENT CREATES IMPERVIOUS COVER, VEHICULAR TRAFFIC, ARTIFICIAL LIGHT, INCREASES IN AIR TEMPERATURE, ACCELERATED RUNOFF, EROSION, SEDIMENTATION, GLARE, NOISE, AND INCOMPATIBLE**

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USES OF LAND, WHICH CAN NEGATIVELY AFFECT THE COMMUNITY'S ECOLOGICAL BALANCE, VISUAL CHARACTER, AS WELL AS COMMUNITY-WIDE LIVABILITY. THE TOWN INTENDS TO PROTECT AND ENHANCE ITS ECONOMIC BASE, QUALITY OF LIFE, AND COMMUNITY CHARACTER BY ENCOURAGING QUALITY DEVELOPMENT. RECOGNIZING THAT THE TOWN OF EMMITSBURG'S COMPREHENSIVE PLAN PROMOTES THE PROTECTION OF HEALTH, SAFETY, AND WELFARE OF THE PUBLIC AND ENCOURAGES QUALITY DEVELOPMENT, THIS SECTION IS ADOPTED IN ORDER TO: 1) AID AND STABILIZE THE ECOLOGICAL BALANCE OF THE ENVIRONMENT IN THE TOWN; 2) PROVIDE BUFFERS BETWEEN USES OF DIFFERENT CHARACTER AND INTENSITY; 3) ENHANCE THE TOWN'S GENERAL APPEARANCE; 4) SAFEGUARD AND ENHANCE PROPERTY VALUES; 5) PROTECT PUBLIC AND PRIVATE INVESTMENTS; 6) CONSERVE ENERGY; AND 7) PROTECT NATURAL AREAS THEREBY PROVIDING NATURAL HABITATS FOR WILDLIFE.

- B. WHERE BUFFER YARDS AND SCREEN PLANTING AREAS ARE REQUIRED IN THIS SECTION, THEY SHALL BE PROVIDED WITHIN THE YARD SETBACKS PRESCRIBED IN THE APPLICABLE ZONING DISTRICTS. AND IN ACCORDANCE WITH THE REQUIREMENTS CONTAINED IN THIS SECTION, GENERAL BUFFER REGULATIONS, HEREIN, AND TITLE 16.**
- C. WHERE BUFFER YARDS AND SCREEN PLANTING AREAS ARE REQUIRED IN THIS SECTION, A LANDSCAPE PLAN FOR THE ENTIRE TRACT SHALL BE REQUIRED. THE DEVELOPER SHALL RETAIN A LANDSCAPE ARCHITECT LICENSED BY THE STATE OF MARYLAND TO COMPLETE SUCH A PLAN TO ENSURE THE PROPER SPECIES, USE, ARRANGEMENT OF PLANT MATERIALS, AND INSTALLATION. ALL AREAS OF THE DEVELOPMENT NOT COVERED BY IMPERVIOUS SURFACES SHALL BE LANDSCAPED AND MAINTAINED WITH SUITABLE GROUND COVER AND PLANTS.**
- 1. THE PLAN SHALL INDICATE THE EXTENT TO WHICH EXISTING VEGETATION WILL BE PRESERVED FOR LANDSCAPING PURPOSES.**
 - 2. WHERE DEEMED NECESSARY BY THE PLANNING COMMISSION, EARTHEN BERMS SHALL BE INCORPORATED INTO THE LANDSCAPING PLAN ALONG PUBLIC STREET FRONTAGE AND ALONG PROPERTY LINES ABUTTING EXISTING DWELLINGS IN ACCORDANCE WITH TITLE 16.**
 - 3. LANDSCAPED AREAS SHALL BE CONTINUALLY MAINTAINED BY THE LANDOWNER. CARE, GROOMING, AND REPLACEMENT OF PLANTS SHALL BE INCLUDED AS PART OF THE REQUIRED MAINTENANCE. FAILURE TO ADEQUATELY MAINTAIN LANDSCAPED AREAS SHALL BE SUBJECT TO A CITATION ISSUED BY THE TOWN.**
 - 4. IN ADDITION TO LANDSCAPE ELEMENTS, THE PLAN SHALL INCLUDE THE LAYOUT OF WALKWAYS, LIGHTING, AND RECREATION AREAS THROUGHOUT THE DEVELOPMENT FOR THE SAFETY AND SECURITY OF THE PEOPLE. THE LAYOUT AND DESIGN OF PEDESTRIAN-LEVEL STREET LIGHTING SHALL BE PROVIDED THROUGHOUT THE DEVELOPMENT AND PARKING AREAS.**

5. PARKING AREAS SHALL BE ADEQUATELY LANDSCAPED IN ORDER TO PROVIDE SHADE, TO SCREEN VEHICLES FROM PUBLIC STREETS, TO REDUCE GLARE AND NOISE WITHIN THE DEVELOPMENT ITSELF AND SHALL BE DESIGNED IN ACCORDANCE WITH TITLE 16.

D. ANY NONRESIDENTIAL USE ADJOINING A RESIDENTIAL USE IN ANY ZONE SHALL MEET THE FOLLOWING BUFFER YARD TYPE AND WIDTH REQUIREMENTS, UNLESS OTHERWISE PROVIDED IN THIS SECTION. THE BUFFER YARD SHALL EXTEND THE ENTIRE LENGTH OR WIDTH OF THE PROPERTY LINE OF THE ADJOINING ZONE OR LOT.

BUFFER YARD REQUIREMENTS

BUFFER YARD TYPE	NONRESIDENTIAL OR MIXED-USE DISTRICT	MINIMUM BUFFER YARD WIDTH (FEET)
1	VILLAGE ZONE (VZ)	15
1	NEIGHBORHOOD COMMERCIAL (B-1)	25
2	GENERAL COMMERCIAL (B-2); INSTITUTIONAL (INST);	25
3	INDUSTRIAL PARK (I-P); OFFICE, RESEARCH, INDUSTRIAL (ORI)	30

E. ANY LOT USED FOR OTHER THAN A SINGLE-FAMILY DETACHED OR SEMI-DETACHED RESIDENCE IN A RESIDENTIAL OR MIXED-USE ZONE AND ABUTTING AN EXISTING OR PLANNED SINGLE-FAMILY DETACHED OR SEMI-DETACHED RESIDENCE SHALL MEET THE REQUIREMENTS FOR BUFFER YARD TYPE 1, UNLESS OTHERWISE PROVIDED IN THIS SECTION.

F. SCREENING IN THE BUFFER YARDS SHALL BE IN ACCORDANCE WITH TITLE 16, AS RELATED TO BUFFER YARD TYPES.

G. ALL BUFFER YARDS SHALL MEET THE FOLLOWING REQUIREMENTS:

- 1. NO BUFFER YARD OR PART THEREOF SHALL BE USED FOR PARKING, STORAGE, LOADING, OR UNLOADING.**
- 2. BUFFER YARDS MAY BE PLACED WITHIN ANY REQUIRED BUILDING SETBACK AREA.**
- 3. BUFFER YARDS MAY BE CROSSED BY ACCESS ROADS, SERVICE DRIVES, OR EASEMENTS WITHIN A MAXIMUM WIDTH OF THIRTY-FIVE FEET (35'), PROVIDED THAT THE CENTER LINE OF ROAD, DRIVE, OR EASEMENT CROSSES THE LOT LINE AND BUFFER YARD AT NOT LESS THAN SEVENTY-FIVE DEGREES (75°); HOWEVER, NO TURNING OR MANEUVERING OF VEHICLES SHALL BE PERMITTED IN THE BUFFER AREA.**
- 4. BUFFER YARDS SHALL EXTEND FOR THE ENTIRE LENGTH OF THE PROPERTY LINE ADJOINING THE RESIDENTIAL PROPERTY OR DISTRICT.**

5. **ALL SCREENING MATERIALS AND LANDSCAPING SHALL NOT ENCROACH UPON THE ADJOINING PROPERTY LINE AT FULL MATURITY.**

H. THE BUFFER YARD FOR ANY NONRESIDENTIAL USE SEPARATED FROM A RESIDENTIAL USE BY A PUBLIC ROAD SHALL BE REDUCED BY ONE FOOT FOR EVERY TWO FEET OF THE DISTANCE BETWEEN THE PROPERTY LINE FOR WHICH THE BUFFER YARD IS REQUIRED AND THE CENTERLINE OF THE PUBLIC ROAD BUT BY NOT LESS THAN ½ OF THE ORIGINAL BUFFER.

17.08.230 - GENERAL LIGHTING REGULATIONS.

A. OUTDOOR LIGHTING. WHERE LIGHT FIXTURES ARE INSTALLED TO PROVIDE EXTERIOR ILLUMINATION, EXCLUDING OVERHEAD STREET LIGHTING AND WARNING, EMERGENCY, OR TRAFFIC SIGNALS, THE FOLLOWING RESTRICTIONS SHALL APPLY. THESE STANDARDS WILL APPLY TO ALL USES (EXCEPT SINGLE-FAMILY DWELLINGS).

1. **ALL OUTDOOR LIGHTING, WHETHER OR NOT REQUIRED BY THIS SECTION, SHALL HAVE INTENSITIES AND UNIFORM RATIOS IN ACCORDANCE WITH THE CURRENT RECOMMENDED PRACTICES OF THE ILLUMINATING ENGINEERING SOCIETY OF NORTH AMERICA (IESNA), AS CONTAINED IN THE IESNA LIGHTING HANDBOOK.**
2. **ALL FUTURE AMENDMENTS TO THE RECOMMENDED PRACTICES OF THE IESNA SHALL BE MADE A PART OF THIS SECTION WITHOUT FURTHER ACTION BY THE MAYOR AND BOARD OF COMMISSIONERS.**
3. **STREET LIGHTING FIXTURES, WHEN REQUIRED FOR SAFETY CONSIDERATIONS, SHALL BE CONTROLLED BY PHOTOCELLS FOR DUSK TO DAWN OPERATION.**
4. **THE LIGHTING FROM ANY LUMINARY SHALL BE SHADED, SHIELDED, OR DIRECTED TO PREVENT DIRECT LIGHT FROM BEING DISTRIBUTED BEYOND AN ANGLE OF 35° FROM A VERTICAL PLANE ONTO ADJACENT PROPERTIES AND/OR SURROUNDING AREAS. UNSHIELDED LIGHTING IS NOT PERMITTED, EXCEPT FOR TEMPORARY HOLIDAY LIGHTING.**
5. **LIGHTING SHALL BE DESIGNED SO THAT GLARE OR DIRECT ILLUMINATION DOES NOT EXCEED ONE FOOT-CANDLE BEYOND THE PROPERTY LINE ON WHICH THE LIGHTING ORIGINATES.**
6. **ILLUMINATED SIGNAGE SHALL BE IN ACCORDANCE WITH CHAPTER 17.38.**
7. **SUCH LIGHTING ON PRIVATE, RESIDENTIAL, COMMERCIAL, INDUSTRIAL, MUNICIPAL, RECREATIONAL, OR INSTITUTIONAL PROPERTY SHALL BE AIMED, LOCATED, DESIGNED, FITTED, AND MAINTAINED SO AS NOT TO PRESENT A HAZARD TO DRIVERS OR PEDESTRIANS BY IMPAIRING THEIR ABILITY TO SAFELY TRAVERSE (I.E., DISABLING GLARE).**

8. **POLE-MOUNTED LAMPS SHALL BE PLACED DIRECTLY ABOVE THE AREA TO BE ILLUMINATED AND SHIELDED AT THE TOP AND SIDES OR POSITIONED NEAR THE PERIMETER OF A PROPERTY AND AIMED TOWARD THE AREA REQUIRING ILLUMINATION, SUBJECT TO APPLICABLE YARD SETBACK PROVISIONS.**
9. **VEGETATION SCREENS SHALL NOT BE EMPLOYED TO SERVE AS THE PRIMARY MEANS FOR CONTROLLING GLARE. RATHER, GLARE CONTROL SHALL BE ACHIEVED PRIMARILY USING SUCH MEANS AS CUTOFF FIXTURES, SHIELDS AND BAFFLES, AND APPROPRIATE APPLICATION OF MOUNTAIN HEIGHT, WATTAGE, AIMING ANGLE, FIXTURE PLACEMENT, ETC.**
10. **THE INSTALLATION OR ERECTION OF ANY LIGHTING, WHICH MAY BE CONFUSED WITH WARNING SIGNALS, EMERGENCY SIGNALS, OR TRAFFIC SIGNALS, SHALL NOT BE PERMITTED.**
11. **LIGHTING OF PARKING LOTS SHALL BE IN ACCORDANCE WITH §17.08.140.I. OR, IF APPLICABLE, §17.36.040.F.**
12. **LIGHTING FIXTURES SHALL BE MAINTAINED TO ALWAYS MEET THE REQUIREMENTS OF THIS SECTION.**
13. **ANY LIGHTING FIXTURE EXISTING ON THE EFFECTIVE DATE OF THIS SECTION, WHICH DOES NOT CONFORM TO THE REQUIREMENTS OF THIS SECTION, SHALL BE CONSIDERED A LAWFUL, NONCONFORMING LIGHTING FIXTURE. A NONCONFORMING LIGHTING FIXTURE SHALL BE MADE TO CONFORM WITH THE REQUIREMENTS OF THIS SECTION WHEN SUCH FIXTURE IS REPLACED, RELOCATED, OR REPAIRED.**

17.08.240 – UNENCLOSED STORAGE.

- A. **OUTDOOR STOCKPILING. IN ALL ZONES, NO OUTDOOR STOCKPILING OF ANY MATERIAL IS PERMITTED IN THE FRONT YARD.**
- B. **DUMPSTERS. ALL PERMANENT TRASH DUMPSTERS SHALL BE LOCATED WITHIN A SIDE OR REAR YARD, SCREENED FROM ADJOINING ROADS AND PROPERTIES, AND COMPLETELY ENCLOSED WITHIN A SIGHT-TIGHT MASONRY OR FENCED ENCLOSURE EQUIPPED WITH A SELF-LATCHING DOOR OR GATE. DUMPSTERS SHALL BE SCREENED IN ACCORDANCE WITH §16.16.110.B.6.**
- C. **DOMESTIC COMPOSTS. THE PLACEMENT OF FRAMED ENCLOSURE COMPOSTS AS AN ACCESSORY RESIDENTIAL USE IS PERMITTED, SUBJECT TO ALL ACCESSORY USE SETBACKS. ONLY WASTE MATERIALS FROM THE RESIDENTIAL SITE SHALL BE DEPOSITED WITHIN THE COMPOST AND IN NO CASE SHALL MEAT, OR MEAT BY-PRODUCTS, BE COMPOSTED. ALL COMPOSTS SHALL BE PROPERLY MAINTAINED SO AS NOT TO BECOME A NUISANCE TO NEARBY PROPERTIES.**

17.16.020 – Meeting of the Board.

- A. ~~[Quarterly]~~ Schedule. The Planning Commission shall hold meetings ~~[quarterly;]~~ in January~~;~~ ~~[April, July, October, or]~~ **AND** ~~[more often]~~ as the Planning Commission's duties require. If there is business before the Planning Commission, meetings shall be held monthly until such business has been completed.

{B – F unchanged}

- G. Order of Business. The order of business shall be as follows:

1. ~~[Disposition of minutes]~~ **CALL TO ORDER**
2. ~~[Opening statement by Chairman to audience]~~ **OPENING**
3. ~~[Old business (refer to agenda)]~~ **REVIEW AND APPROVAL OF MINUTES**
4. ~~[New business (refer to agenda)]~~ **PUBLIC COMMENT**
5. **REVIEW AND CONSIDERATION OF AGENDA ITEMS:**
 - A. **OLD BUSINESS**
 - B. **NEW BUSINESS**
6. **OTHER BUSINESS**
7. **ADJOURNMENT**

Chapter 17.20 - Commercial Districts

17.20.010 - Intent

- A. ~~[B-1]~~ Neighborhood ~~[Business]~~ **COMMERCIAL (B-1)** District. The B-1 district is intended to permit a limited number of retail and service providers in close proximity to residential uses. This district is intended to encourage the provision of small, safe, attractive, and well located shopping areas amendable to pedestrian use, in a manner that will make them compatible with adjacent residential areas.
- B. ~~[B-2]~~ General ~~[Business]~~ **COMMERCIAL (B-2)** District. The B-2 district is intended to accommodate retail, service, office, entertainment, and limited manufacturing/assembly. It is intended that stores and other facilities will be developed in an attractive and convenient manner with particular attention paid to the safety of pedestrian access and the protection of adjoining residential areas. It is essential that this district have vehicular accessibility from both the central community and the region and that safe and adequate off-street parking and loading are provided.

17.20.020 – Uses permitted in the ~~[B-1]~~ Neighborhood ~~[Business]~~ **COMMERCIAL (B-1)** District.

Permitted uses in the ~~[B-1]~~ Neighborhood ~~[Business]~~ **COMMERCIAL (B-1)** District are as follows:

{A – F unchanged}

- G. Business and advertising signs ~~[, public building signs or bulletin boards when attached to a building pertaining to the use of the property on which the sign is located, provided that they meet~~

~~the requirements of Chapter 15.16. A monument sign is allowed; however, it must meet the requirements of Section 15.16.030 [and L]~~ **IN ACCORDANCE WITH CHAPTER 17.38.**

H. {*unchanged*}

17.20.030 – Uses permitted in the [~~B-2~~] General [~~business~~] **COMMERCIAL (B-2)** District.

Any use permitted in the [~~B-1~~] Neighborhood [~~business~~] **COMMERCIAL (B-1)** District [~~and signs, which shall be permitted only in accordance with the specifications of this section,~~] as well as the following uses:

{*A – R unchanged*}

S. Business and advertising signs [~~, public building signs or bulletin boards providing that they meet the requirements of chapter 15.16]~~ **IN ACCORDANCE WITH CHAPTER 17.38.**

17.20.060 – Required lot area, lot width, and yards in commercial districts.

Required lot area, lot width, and yards in commercial districts are as follows:

	Minimum Lot Area (Square Feet)	Minimum Lot Width (Feet)	Front Yard Depth (Feet)	Each Side Yard (Feet)	Rear Yard Depth (Feet)
[B-1] Neighborhood [Business] COMMERCIAL (B-1) District	Not Specified	Not Specified	25	10; 35 where it adjoins residential district	25; 35 where it adjoins residential district
[B-2] General [Business] COMMERCIAL (B-2) District	Not Specified	Not Specified	25	10	25

17.20.090 – Commercial District Buffer.

~~A. A six foot tall, solid fence will be installed and maintained along the property boundary abutting the residential zoning district.~~

B. A. Landscaping, BUFFER YARDS, AND SCREENING will be installed and maintained **IN ACCORDANCE WITH §16.16.110 AND §17.08.220, AS AMENDED.** [~~to screen parking areas so as not to be visible from roads within the adjacent residential zoning district.~~]

~~C. The Planning Commission may waive the requirements of this section during the site plan process only for properties in the Neighborhood Commercial (B-1) zoning district if it is determined that the proposed use of the commercial property would not cause detriment to the neighboring residential properties.~~

Chapter 17.24 – ~~[I-P]~~ Industrial **PARK** District (**I-P**) and ~~[ORI]~~ Office, Research, Industrial (**ORI**) District

17.24.020 – Uses permitted in the ~~[I-P-light]~~ Industrial **PARK** District (**I-P**).

Uses permitted in the ~~[I-P-light]~~ Industrial **PARK** District (**I-P**) are as follows:

{A – D unchanged}

17.24.040 – Uses permitted in the ~~[ORI]~~ Office, Research, Industrial (**ORI**) District.

Uses permitted in the ~~[ORI]~~ Office, Research, Industrial (**ORI**) District are as follows:

{A – D unchanged}

- E. Restaurants and other office support commercial uses in connection with an approved office/industrial use. Any such restaurant or office support commercial use shall be limited to fifty (50) percent of the gross floor area of the first floor of any office/industrial building and no such uses may be wholly contained within a separate freestanding building. ~~[No signs advertising any such restaurant or commercial use shall be constructed or placed so as to be visible from any public road, except for internal roads within the ORI development];~~

{F & G unchanged}

Chapter 17.28 – ~~[INST]~~ Institutional (**INST**) District*

{§17.28.010 – §17.28.050 unchanged}

Chapter 17.30 – ~~[C-R]~~ Conservation-Recreation (**C-R**) District

17.30.050 – Accessory Uses.

In the C-R District, accessory uses are as follows:

- A. ~~[General]~~ Signs. ~~[See Chapter 15.16]~~ **IN ACCORDANCE WITH CHAPTER 17.38.**

Chapter 17.32 – R-1, R-2, R-3, & R-S Residential Districts

17.32.030 – Uses permitted in the R-1 District (low density).

{A – D unchanged}

- E. *{1 – 3 unchanged}*

4. ~~[One freestanding sign shall be permitted not to exceed ten (10) square feet. One sign attached to the building shall be permitted not to exceed eight (8) square feet.]~~ **BUSINESS AND ADVERTISING SIGNS SHALL BE IN ACCORDANCE WITH CHAPTER 17.38.**

{5 unchanged}

{F – H unchanged}

Chapter 17.36 – Village Zone (**VZ**)

17.36.040 – Off-Street Parking and Loading.

{A – E unchanged}

F. LIGHTING

1. **PARKING AREAS, MAIN ENTRANCES, AND EXISTS WHICH ARE OPEN TO THE PUBLIC SHALL BE LIGHTED TO A MINIMUM AVERAGE OF TWO (2) FOOT-CANDLES AND A MAXIMUM OF SIX (6) FOOT-CANDLES. ALL LIGHTING SHALL BE SO ARRANGED AS TO REFLECT THE LIGHT DOWNWARD AND AWAY FROM ADJOINING PREMISES AND PUBLIC RIGHTS-OF-WAY. LIGHTING PLANS, INCLUDING PHOTOMETRICS AND ALL DETAILS, SHALL BE INCLUDED WITH ALL PLANS.**
2. **THE PLANNING COMMISSION MAY REQUIRE LIGHTS ALONG PROPOSED STREETS AND AT KEY INTERSECTION LOCATIONS, WHERE DEEMED NECESSARY.**
3. **ALL LIGHTING SHALL BE DIRECTED DOWNWARD AND INWARD TO THE SITE. PROPOSED CANOPY LIGHTS SHALL BE FULLY RECESSED AND LIGHT FIXTURES WITHIN PARKING COMPOUNDS SHALL BE EQUIPPED WITH CUTOFF SHIELDS.**
4. **MAXIMUM HEIGHT OF STREET LIGHTS SHALL BE FIFTEEN FEET (15’).**

17.36.080 – Signs

~~[The B-1 and village zone section of Chapter 15.16 shall generally apply, as well as such other applicable sections of Chapter 15.16 as the context may require.]~~ **SIGNS SHALL BE PERMITTED IN ACCORDANCE WITH CHAPTER 17.38.**

Chapter 17.38 – Sign Code

17.38.090 – Regulations by sign type – Limited duration signs.

{A unchanged}

B. Size and number.

{1 unchanged}

2. Residential zones:

- a. *Large limited duration sign.* One large limited duration sign is permitted per property so long as the property is greater than five acres in size and has at least four hundred (400) feet of street frontage or has more than ten thousand (10,000) square feet of floor area.

(1) *Type:*

- i. Freestanding sign.
- ii. Window sign.

For more information, go to www.emmitsburgmd.gov

iii. Wall sign.

b. *Small limited duration sign.* [~~One small limited duration sign is permitted per property.~~]

{C - D unchanged}

E. *Summary table for limited duration signs:*

	Limited Duration Signs	
	Non-Residential Districts	Residential Districts
Large Limited Duration Signs (max area 16 sq. ft.)	<u>Number:</u> 1 per property; 2 if property is 5+ acres with 400+ ft. of street frontage or has > 10,000 sq. ft. of floor area. <u>Height:</u> maximum 8 ft.	<u>Number:</u> 1 per property; 2 if property is 5+ acres with 400+ ft. of street frontage or has > 10,000 sq. ft. of floor area. <u>Height:</u> maximum 8 ft.
Small Limited Duration signs (max area 6 sq. ft.)	<u>Number:</u> 1 per property; 2 if property is 5+ acres with 400+ ft. of street frontage or has > 10,000 sq. ft. of floor area. <u>Height:</u> maximum 6 ft.	[Number: 1 per property.] <u>Height:</u> maximum 6 ft.

17.38.100 – Regulations by sign type – Temporary signs.

{A – B unchanged}

C. Size and Number.

{1 unchanged}

2. *Residential districts:*

a. *Large temporary signs.* One large temporary sign is permitted per residential property so long as the property is greater than five acres in size and has at least four hundred (400) feet of street frontage or has more than ten thousand (10,000) square feet of floor area.

(1) *Type:*

- i. Freestanding.
- ii. Window sign.
- iii. Wall sign.
- iv. Banner sign.

(2) *Area:*

- i. Each large temporary freestanding, window, or wall sign shall have a maximum area of sixteen (16) square feet.
- ii. Each large temporary banner shall have a maximum area of thirty-two (32) square feet.

(3) *Height:*

- i. Large temporary signs that are freestanding shall have a maximum height of eight feet.
- ii. Banners shall hang at a height no greater than twenty-four (24) feet.

b. *Small temporary signs.* [~~One small temporary sign is permitted per residential property.~~]

- (1) *Type:*
 - i. Freestanding sign.
 - ii. Window sign.
 - iii. Wall sign.
 - iv. Banner.
- (2) *Area.* Each small temporary sign shall have a maximum area of six square feet.
- (3) *Height.* Small temporary signs shall have a maximum height of six feet.

{D - H unchanged}

I. Summary table for temporary signs:

	Temporary Signs	
	Non-Residential Districts	Residential Districts
Large Temporary Signs (max area 32 sq. ft. For banner, 16 sq. ft. for all other signs)	<u>Number:</u> 1 per property; 2 if property is 5+ acres with 400+ ft. of street frontage, or has > 10,000 sq. ft. of floor area. <u>Height:</u> Ground: maximum 8 ft. Banner: maximum 24 ft.	<u>Number:</u> 1 per property if property is 5+ acres with 400+ ft. of street frontage or has > 10,000 sq. ft. of floor area. <u>Height:</u> Ground: maximum 8 ft. Banner: maximum 24 ft.
Small Temporary Signs (max area 6 sq. ft.)	<u>Number:</u> 1 per property; 2 if property is 5+ acres with 400+ ft. of street frontage, or has > 10,000 sq. ft. of floor area. <u>Height:</u> maximum 6 ft.	<u>Number:</u> 1 per property. <u>Height:</u> maximum 6 ft.

Chapter 17.40 – Exceptions and Modifications

17.40.010 – Lot of record.

When a lot, which is an official lot of record at the time of adoption of the ordinance codified in this title does not comply with the area, yard, or other requirements of this title, an application may be submitted to the Board of Appeals for a variance from the terms of this title in accordance with the procedure ~~[outlined]~~ **OUTLINED** in Chapter ~~[17.44]~~ **17.12**. Such a lot may be used as a building site; provided, however, that the yard and other requirements of the district are complied with as closely as possible ~~[in the opinion of]~~ **AS DETERMINED** by the Board of Appeals.

17.40.020 – Allowable projections of structures into yards and other exceptions to yard requirements.

- A. Architectural features of buildings such as window sills, cornices, roof overhangs, and unenclosed porches, open fire escapes, fireproof outside stairways, chimneys, and flues may project into the required yard not more than six feet (**6'**). Decks (or unenclosed porches) may extend a maximum of ~~ten~~ **FIFTEEN** feet (**15'**) into the required rear yard and deck or steps a maximum of six feet (**6'**) into the required side yard.

- B. Steps connecting a deck with the ground may extend beyond the [~~ten~~] **FIFTEEN** [~~feet~~] **FEET (15')** projection allowed for the deck but shall be a minimum of ten feet (**10'**) from the rear lot line. All decks must maintain a two [~~feet~~] **FEET (2')** distance from a party or common wall and a side property line.

17.40.040 – Allowable projections of business structures into yards.

Signs, awnings, **AND** canopies [~~, marquees~~] as attached to and part of a building may project into the front yard in the commercial district only.

Chapter 17.48 – Enforcement and Penalties

17.48.040 – Site plan required.

A. *{unchanged}*

B. A site plan shall be required for the following uses:

1. *{unchanged}*

2. [~~Rural Reserve District. Common open space development. Conditional uses;~~]
VILLAGE ZONE. MULTIFAMILY DWELLINGS WITH FIVE (5) OR MORE UNITS. NEWLY CONSTRUCTED NON-RESIDENTIAL STRUCTURES. USES PERMITTED BY SPECIAL EXCEPTION;

3. *{unchanged}*

4. B-1, B-2, [~~HS,~~] I-P, and ORI Districts. All uses.

{unchanged}

17.48.050 – Site Plan Requirements.

A. *{unchanged}*

B. *{1-12 unchanged}*

13. LIGHTING PLAN.

C. SITE PLAN FEES ARE TO BE ESTABLISHED FROM TIME TO TIME BY POLICY, RESOLUTION, OR ORDINANCE BY THE TOWN AND SHALL BE PAID AT THE TIME OF APPLICATION.

BE IT FURTHER RESOLVED, ENACTED AND ORDAINED that this Ordinance shall take effect on the date on which the Mayor approves the Ordinance after passing by the Board of Commissioners or on the date on which the Board of Commissioners passes the Ordinance over the veto of the Mayor.

PASSED this ____ day of _____, 2020

by a vote of _____ for, _____ against, _____ absent, and _____ abstain.

ATTEST:

EMMITSBURG BOARD OF COMMISSIONERS:

Madeline Shaw, Town Clerk

Clifford Sweeney, President

MAYOR

_____ APPROVED _____ VETOED

this _____ day of _____, 2020.

Donald N. Briggs, Mayor

I hereby certify that the foregoing Ordinance has been posted as required by Chapter 2.04 of the Emmitsburg Municipal Code.

Madeline Shaw, Town Clerk
Date:

M. SET AGENDA FOR SPECIAL WORKSHOP: OCTOBER 19, 2020 AT 7:30 PM

- 1.

SET AGENDA FOR NEXT MEETING: NOVEMBER 2, 2020 AT 7:30 PM

- 1.
- 2.
- 3.
- 4.
- 5.

Administrative Business:

- A.
- B.
- C.