

# **TOWN OF NORTH EAST**

## ***Subdivision Regulations***



**P.O. Box 528 • 106 South Main Street  
North East, Maryland 21901-0528  
Telephone: 410-287-5801 • Fax: 410-287-8267**

## **TABLE OF CONTENTS**

ARTICLE I: Introduction	1-1
Section 1-1: Purpose of Regulations	1-1
Section 1-2: Jurisdiction	1-1
Section 1-3: Title	1-1
ARTICLE II: Definitions	2-1
ARTICLE III: General Provisions	3-1
Section 3-1: Subdivision Control	3-1
Section 3-2: Plat Approval Required	3-1
Section 3-3: Transfer of Land	
Issuance of Building Permits	3-1
Section 3-4: Provisions of Ordinance Declared to be Minimum Requirements	3-1
Section 3-5: Appeal from this Ordinance	3-2
Section 3-6: Variances	3-2
Section 3-7: Fees	3-3
Section 3-8: Amendments	3-3
Section 3-9: Resubdivision of Land	3-4
Section 3-10: Vacation of Plats	3-5
Section 3-11: Enforcement of this Ordinance	3-5
Section 3-12: Repeal of Conflicting Ordinances; Effective Date	3-6
Section 3-13: Separability Clause	3-6
ARTICLE IV: Approval Procedures	4-1
Section 4-1: Introduction	4-1
<u>Part A. Tentative Sketch Plan</u>	4-3
Section 4-2: Purpose	4-3
Section 4-3: Procedure	4-3
<u>Part B. Preliminary Plat</u>	4-5
Section 4-4: Purpose	4-5
Section 4-5: Procedure	4-5
<u>Part C. Final Plat</u>	4-7
Section 4-6: Purpose	4-7
Section 4-7: General	4-7
Section 4-8: Procedure	4-7
Section 4-9: Effect of Recording	4-9

<u>Part D. Acceptance of Streets and</u> <u>Improvements by the Town</u>	4-9
Section 4-10: Preliminary Inspection	4-9
Section 4-11: Final Inspection	4-10
Section 4-12: Acceptance	4-10
ARTICLE V: Improvements	5-1
Section 5-1: Contracts	5-1
Section 5-2: Guaranty	5-2
Section 5-3: Temporary Improvement	5-2
Section 5-4: Failure to Complete Improvement	5-2
Section 5-5: Inspection of Improvements	5-3
Section 5-6: Escrow Deposits for Lot Improvements	5-4
Section 5-7: Deferral or Waiver of Required Improvements	5-5
Section 5-8: Issuance of Building Permits and Certificates of Occupancy	5-5
Section 5-9: Consumer Protection Legislation and Conflicts of Interest Statutes	5-6
ARTICLE VI: Plat and Data Requirements	6-1
Section 6-1: Tentative Sketch Plan Stage	6-1
Section 6-2: Preliminary Plat: Plats and Data for Conditional Approval	6-3
Section 6-3: Final Plat	6-7
Section 6-4: Record Plat	6-10
Section 6-5: Modification of Requirements	6-11
APPENDIX A Design Standards	A-1
Article I: General	A-1
Article II: Conformity with Existing Plans	A-1
Article III: Streets	A-1
Article IV: Easements	A-5
Article V: Blocks	A-5
Article VI: Lots	A-6
Article VII: Public Sites and Open Spaces	A-7
Article VIII: Names	A-7
Article IX: Street Signs	A-7
Article X: Sidewalks	A-8
APPENDIX B Required Improvements	B-1
Article I: Standard A	B-1
Article II: Standard B	B-2

**ARTICLE 1: Introduction**Section 1-1. Purpose of Regulations

Whereas Article 66B, Annotated Code of Maryland, empowers the Town to enact subdivision regulations; and whereas the President and Commission pursuant to statutory authorization by the State of Maryland, have adopted a major street plan of the territory within the jurisdiction of the Town, have appointed a Planning Commission to prepare regulations governing subdivision of land, and have held hearings on such regulations after public notice of such hearings; and whereas the President and Commission deem it necessary, for the purpose of promoting the health, safety, morals and general welfare of the Town, to guide the future growth of the Town in accordance with the Comprehensive Plan and the Critical Area Program, to enact such an ordinance to provide for the proper arrangement and construction of streets and utilities, for adequate and convenient open spaces for recreation, light and air, for avoidance of congestion of population, including minimum width and area of lots, and for the protection of wetlands, streams, areas of steep slopes, highly erodible and other soils with development constraints, shorelines, and plant and wildlife habitats; these regulations for procedures and standards in subdividing land are adopted and prescribed by the Town of North East.

Adopted April 6, 1981 and made effective April 26, 1981.

Attest:

/S/ Hilda B. Wright  
HILDA B. WRIGHT

/S/ William C. Ball  
WILLIAM C. BALL

Section 1-2. Jurisdiction

These regulations shall apply to all land located within the incorporated area of North East.

Section 1-3. Title

This Ordinance shall be known, referred to and cited as the North East Subdivision Regulations.

**ARTICLE II: Definitions**

For the purpose of these regulations, certain terms and words are hereby defined. Words used in the present tense include the future; words in the singular number include the plural and words in the plural number include the singular; the word "shall" is mandatory and not directory. Words and terms not defined herein shall be interpreted in accord with their normal dictionary meaning.

Afforestation - the establishment of a tree crop on an area from which it has always or very long been absent, or the planting of open areas that are not presently in forest cover.

Alleys - are minor ways which are used primarily for vehicular service access to the back or the side of properties otherwise abutting on a street.

Anadromous fish - fish that travel upstream (from their primary habitat in the ocean) to freshwater in order to spawn.

Best Management Practices (BMPs) - conservation practices or systems of practices and management measures that control soil loss and reduce water quality degradation caused by nutrients, animal waste, toxic substances, and sediment. Agricultural BMPs include, but are not limited to, strip cropping, terracing, contour stripping, grass waterways, animal waste structures, ponds, minimal tillage, grass and naturally vegetated filter strips, and proper nutrient application measures.

Buffer (spelled with a capital B) - a naturally vegetated area or vegetated area established or managed to protect aquatic, wetland shoreline, and terrestrial environments from man-made disturbances. In the Critical Area Overlay District ("O"), the minimum Buffer is a continuous area located immediately landward of tidal waters (measured from the Mean High Water Line), tributary streams in the Critical Area, and tidal wetlands and has a minimum width of one hundred (100) feet. The Buffer shall be expanded beyond the minimum depth to include certain sensitive areas as per requirements established in the Zoning Ordinance.

Buffer Exemption Areas - those areas of the Town otherwise within the designated Buffer that are largely or totally developed or that include underdeveloped lots of record 200 feet or less in depth, excluding tidal

wetlands, the development of which is grandfathered under the provisions of the North East Critical Area Program and Zoning Ordinance.

Community piers - boat docking facilities associated with subdivisions and similar residential areas, and with condominium, apartment, and other multiple-family dwelling units. Private piers are excluded from this definition.

Controlled Access Streets - are arterial streets and highways which have only a limited number of at-grade intersections with streets and railroads, and limited access from abutting properties.

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

Critical Area - all lands and waters defined in Section 8-1807 of the Natural Resources Article, Annotated Code of Maryland. They include:

a. All waters of and lands under the Chesapeake Bay and its tributaries to the head of tide as indicated on the state wetlands maps, and all state and private wetlands designated under Title 9 of the Natural Resources Article, Annotated of Maryland; and

b. All land and water areas within 1,000 feet beyond the landward boundaries of State or private wetlands and the heads of tides designated under Title 9 of the Natural Resources Article, Annotated Code of Maryland; and

c. Modification to these areas through inclusions or exclusions proposed by local jurisdictions and approved by the Commission as specified in Section 8-1807 of the Natural Resources Article, Annotated Code of Maryland.

Critical Area Commission - the Maryland Chesapeake Bay Critical Area Commission.

Density - the number of dwelling units per acre of gross area of a development tract.

Developed woodlands - areas one (1) acre or more in size that predominantly contain trees and natural vegetation and that also include residential, commercial, or industrial structures and uses.

Development or development activities - any construction, modification, extension or expansion of buildings or structures; placement of fill or dumping; storage of materials; land excavation; land clearing; land improvement; or any combination thereof, including the subdivision of land.

Drainageways - minor watercourses that are defined either by soil type or by the presence of intermittent or perennial streams or topography that indicates a swale where surface sheet flows join.

Driveways - are minor ways giving access to property from the street pavement, and are considered herein to include only that part of the way which is in the street right-of-way.

Environmental Assessment - a comprehensive report that describes the natural features and characteristics of a proposed development site, the changes that will occur as the result of proposed development activities on the site, the anticipated environmental impacts and consequences of the proposed development, and mitigation measures to be taken to minimize undesirable impacts to the environment.

Exclusion - an act of the Town Commissioners, approved by the Critical Area Commission, that excepts an area of the Town from the Zoning and Subdivision provisions applicable only to the Critical Area Overlay District ("O").

Exemption - an act of the Town Commissioners, approved by the Critical Area Commission, that relieves an area of the county from the Buffer provisions of the Critical Area Overlay District ("O").

Fisheries activities - commercial water dependent fisheries facilities including structures for the packing, processing, canning, or freezing of finfish, crustaceans, mollusks, and amphibians and reptiles and also including related activities such as wholesale and retail sales, product storage facilities, crab shedding, off-loading docks, shellfish culture operations, and shore-based facilities necessary for aquaculture operations.

Forest - a biological community dominated by trees and other woody plants covering a land area of one (1) acre or more. This also includes forests that have been cut but not cleared.

Forest management - the protection, manipulation, and utilization of the forest to provide multiple benefits, such as timber harvesting, wildlife habitat, etc.

Forest practice - the alteration of the forest either through tree removal or replacement in order to improve the timber, wildlife, recreational, or water quality values.

Grandfathered - describes the status accorded certain properties and development activities that are of record prior to the date of adoption of the Zoning Ordinance or provisions of the Zoning Ordinance.

Growth Allocation - means:

a. An area of land calculated as five (5%) percent of the total Resource Conservation Area (excluding tidal wetlands and federally owned land), that the County may convert to more intense management areas to accommodate land development; also

b. An act of the Town Commissioners, which provides for conversion of a property or properties located in a Resource Conservation Area (RCA) and/or the Limited Development Area (LDA) in the Critical Area Overlay District ("O") to another land management classification which allows an increase in the permitted density.

Habitat Protection Areas - Threatened and Endangered Species, species in Need of Conservation, and Plant and Wildlife Habitats, Non-tidal Wetlands, the Buffer and Anadromous Fish Propagation Waters as designated in the North East Critical Area Program.

Highly erodible soils - soils with a slope greater than 15 percent; or those soils with a K value greater than 0.35 with slopes greater than 5 percent.

Hydric soils - soils that are wet frequently enough to periodically produce anaerobic conditions, thereby influencing the species composition or growth, or both, of plants on those soils.

Land clearing - any activity that removes the vegetative ground cover.

Local Streets - lie entirely within the Town boundaries and consist of local residential streets which connect the abutting development to the collector and arterial thoroughfares.

Limited Access Streets - are arterial highways which have no intersections at grade with other streets, railroads, and no access from abutting properties.

Major Arterials - are major thoroughfares which provide connection between municipalities and other major population/development concentrations.

Major Collectors - are designed to carry relatively high traffic volumes from neighborhoods to the arterials and provide access to major uses - industry, commercial and residential - within the Town.

Marginal Access Streets - or service roads, are minor streets which are parallel to and adjacent to arterial streets and highways, and which provide access to abutting properties and protection from through traffic.

Marina - any facility for the mooring, berthing, storing, or securing of watercraft, but not including community piers and other non-commercial boat docking and storage facilities.

Mean High Water Line - the average level of high tides at a given location.

Minor Arterials - provide connections between the center of Town and outlying activity centers, residential areas and the Interstate system.

Minor Collectors - provide direct access to abutting properties and also distribute traffic from local streets to arterials and major collectors.

Minor or Insignificant Impacts - means:

a. Any land disturbance that will affect less than 5,000 square feet of land area not located in a Habitat Protection Area identified in the North East Critical Area Program; or

b. Any land disturbance within the Buffer that will affect less than 500 square feet of land area provided such disturbance does not occur in a non-tidal wetland, a Plant and Wildlife Habitat, or a Threatened or Endangered Species of Species in Need of Conservation Habitat as identified in the North East Critical Area Program.

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

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

Non-tidal wetlands - refers to those lands in the Critical Area (excluding tidal wetlands regulated under Title 9 of Natural Resources Article, Annotated Code of Maryland) farm ponds and other man-made bodies of water whose purpose is to impound water for agriculture, water supply, recreation, or waterfowl habitat where the water table is usually at or near the surface, or lands where the soil or substrate is covered by shallow water at some time during the growing season, and that are usually characterized by one or both of the following:

- a. At least periodically, the lands support predominantly hydrophytic vegetation; and/or
- b. The substrate is predominantly undrained hydric soils.

Offsets - structures or actions that compensate for undesirable impacts.

Open space - land and water areas retained for use as active or passive recreation areas in an essentially underdeveloped state.

Open water - tidal waters of the State that do not contain tidal wetlands and/or submerged aquatic vegetation.

Pad, development - the area of a lot, within a larger overall lot area that is devoted to structures and septic systems. In general, where a development pad is prescribed the remaining area of the lot must be maintained in natural vegetation.

Physiographic features - the soils, topography, land slope and aspect, and local climate that influence the form and species composition of plant communities.

Redevelopment - the process of developing land that is or has been developed.

Reforestation - the establishment of a forest through artificial reproduction or natural regeneration.

Resubdivision - a change in a map of an approved or recorded subdivision plat if such change affects any street layout on such map or area reserved thereon for public use, or any lot line; or if it affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions. (3-9)

Shore Erosion Control Measures - any of number of structural and nonstructural methods or techniques for controlling the erosion of shoreline areas. More specifically the term refers to:

a. Nonstructural - Creation of an intertidal marsh fringe channelward of the existing bank by one of the following methods;

1) Vegetation - Planting an existing shore with a wide band of vegetation;

2) Bank Sloping/Vegetation - Sloping and planting a non-wooded bank to manage tidal water contact, using structures to contain sloped materials if necessary; and

3) Contained Beach - Filling alongshore with sandy materials, grading, and containing the new beach to eliminate tidal water contact with the bank.

b. Structural

1) Revetment - facing laid on a sloping shore to reduce wave energy and contain shore materials;

2) Bulkhead - excluded due to adverse impacts to the near-shore marine environment, except in the following special cases:

a) Where erosion impact is severe and high bluffs and/or dense woodland preclude land access, bulkheads can be installed by shallow-draft barge and pile driver; and

b) In narrow, manmade lagoons for activities that require frequent interchange between boats and land.

Soil Conservation and Water Quality Plans - land-use plans for farms that show farmers how to make the best possible use of their soil and water resources while protecting and conserving those resources for the future. It is a document containing a map and related plans that indicate:

- a. How the landowner plans to treat a farm unit;
- b. Which Best Management Practices the land owner plans to install to treat undesirable conditions; and
- c. The schedule for applying Best Management Practices.

Steep slopes - slopes of 15 percent or greater incline.

Streets - the term "street" means a way for vehicular traffic, whether designed as a street, highway, thoroughfare, parkway, throughway, road, alley, avenue, boulevard, lane, place or however, otherwise designated.

Subdivision - the division of a lot, tract, or parcel of land into two or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, of sale or of building development. It includes resubdivision and, when appropriate to the context, relates to the process of resubdividing or to the land or territory subdivided.

Tidal wetlands - means state wetlands that are defined as any land under the navigable waters of the state below the Mean High Water Line, affected by the regular rise and fall of tide, and private wetlands that defined as any land not considered "state wetlands" bordering or lying beneath tidal waters, that is subject to regular or periodic tidal action and supports aquatic growth. Private wetlands includes wetlands transferred by the state by a valid grant, lease, patent, or grant confirmed by Article 5 of the Declaration of Rights of the Constitution to the extent of the interest transferred. The term "regular or periodic tidal action" means the rise and fall of the sea produced by the attraction of the sun and moon uninfluenced by the wind or any other circumstance.

Topography - the existing configuration of the earth's surface including the relative relief, elevations, and position of land features.

Tributary streams - perennial and intermittent streams in the Critical Area that are so noted on the most recent U.S. Geological Survey 7 1/2 minute topographic quadrangle maps (scale 1:24,000) or on more detailed maps or studies at the discretion of the Town of North East.

Water-dependent facilities - structures or works associated with industrial, maritime, recreational, educational, or fisheries activities which the Town of North East has determined require location at or near the shoreline within the Buffer.

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

**ARTICLE III: General Provisions**Section 3-1. Subdivision Control

It shall be unlawful for the owner of any land within the jurisdiction of the Town to which these Regulations may apply, or any other person, firm, or corporation, to subdivide any lot, tract, or parcel of land, or layout, construct, open or dedicate for public use or travel, any street, sanitary sewer, storm sewer, drainage facilities, or other facilities in connection therewith, or for the common use of occupants of buildings within the subdivision, unless and until:

1. A plat of such subdivision is caused to be made in accordance with the regulations set forth herein and in Article 66B of the Annotated Code of Maryland, as amended;
2. Approval is secured as provided herein; and
3. Copies of said plat have been recorded in the office of the Clerk of the Court.

Section 3-2. Plat Approval Required

No plat of any subdivision shall be recorded until it shall have been submitted and approved as provided herein.

Section 3-3. Transfer of Land - Issuance of Building Permits

1. No land in a subdivision created after the adoption of these Regulations shall be transferred, sold, or offered for sale, nor shall a building permit be issued for a structure thereon, until a final plat of such subdivision shall have been recorded in accordance with these Regulations and the provisions of the State, and until the municipal improvements required in connection with the subdivision have either been constructed or guaranteed as hereinafter provided.
2. No building depending upon public water and sewerage facilities shall be permitted to be occupied before such facilities are fully provided and operational.

Section 3-4. Provisions of Ordinance Declared to be Minimum Requirements

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

#### Section 3-5. Appeal from this Ordinance

Any person or entity aggrieved by the decision of the Town Administrator in connection with duties and authorities granted to said Administrator within this Ordinance, may appeal that decision to the Planning Commission within fifteen (15) days after notice of the decision of the Town Administrator.

Any person or entity aggrieved by the decision of the Planning Commission shall have the right of appeal to the Circuit Court for Cecil County within thirty (30) days after notice of the decision of said Planning Commission; said appeal shall be taken in accordance with the Maryland Rules of Procedures as they apply to appeals from Administrative Agencies.

#### Section 3-6. Variances

##### 1. Hardship

Where the Planning Commission finds that extraordinary hardships may result from strict compliance with these regulations, it may vary the regulations so that substantial justice may be done and the public interest secured; provided that such variance will not have the effect of nullifying the intent and purpose of the Comprehensive Plan or these Regulations.

The Planning Commission shall determine extraordinary hardship if it finds all of the following facts in regard to the subdivision:

a. That the land is of such shape or size, or is affected by such topographical conditions, or is subject to such title limitations of record that it is impossible or impractical for the subdivider to comply with all of the regulations of this ordinance;

b. That the granting of the variance will not be detrimental to the public welfare or injurious to other property in the vicinity of the subject property.

## 2. Conditions

In granting variances and modifications, the Planning Commission may require such conditions as will, in its judgement, secure substantially the objectives of the standards or requirements so varied or modified.

### Section 3-7. Fees

1. Fees to partially cover the cost of considering and examining the several plats and plans required herein and for recording the final plat shall be collected from the applicant at the time of filing a preliminary plat, in accordance with a fee schedule of charges adopted by resolution of the Mayor and Commissioners. If a preliminary plat is not filed, fees shall be collected at the time of filing the final plat.
2. The fee schedule shall be posted in the Town Office and may be altered or amended only by the Mayor and Commissioners upon recommendation of the Planning Commission.
3. A basic fee shall be charged for each subdivision plat review and an additional fee shall be added for each lot over two, within the subdivision.
4. In the event that a proposed subdivision plat is of such complexity and/or potential local impact that outside professional assistance is required, the Town shall select the professional of its choice. Costs of this work shall be borne by the subdivider.

### Section 3-8. Amendments

The regulations, restrictions and boundaries set forth in this Ordinance may from time to time be amended, supplemented, changed, or repealed, provided, however, that no such action may be taken until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. At least fifteen days notice of the time and place of such hearing shall be published in a newspaper of general circulation in the Town. Any proposed amendment shall be submitted to the Planning Commission for report and recommendation prior to any action thereon by the Mayor and Commissioners of the Town.

## Section 3-9. Resubdivision of Land

### 1. Procedure for Resubdivision

For any change in a map of an approved or recorded subdivision plat, if such change affects any street layout shown on such map, or area reserved thereon for public use, or any lot line, or if it affects any map or plan legally reached prior to the adoption of any regulations controlling subdivisions, such parcel shall be approved by the same procedure, rules, and regulations as for a subdivision. The Town Administrator may approve resubdivision of minor subdivisions and may also approve minor adjustments to lot lines on major subdivisions, previously approved by the Planning Commission, when the Town Administrator deems it to be appropriate.

### 2. Addition and Subtraction of Lots

Whenever the owner of a lot wishes to add additional land to said lot, a survey plat filed, to be reviewed by the Town Administrator, shall contain the following:

- a. A boundary survey of additional land.
- b. The lot or parcel to which the addition is being made.
- c. The original lot or parcel as required below:
  - (1) If five acres or under remains, a boundary survey shall be made:
  - (2) If over five acres remains, a deed plotting can be made.
- d. When applicable, the signature of a registered surveyor certifying it is an accurate survey.
- e. A signature block for the Town Administrator's approval.
- f. A note on the plat stating the following: "Application is hereby made for your approval of the indicated transfer of land solely for adding to adjoining holdings and not for development. Any future subdivision of this land or building development will be submitted in the regular manner for approval in accordance with the existing Subdivision Regulations".

g. A road dedication, if applicable.

### 3. Procedure for Subdivisions Where Future Resubdivision is Indicated

Whenever a parcel of land is subdivided and the subdivision plat shows one or more lots containing more than one acre of land and there are indications that such lots will eventually be resubdivided into small building sites, the Planning Commission may require that such parcel of land allow for the future opening of streets and the ultimate extension of adjacent streets. Easements providing for the future opening and extension of such streets may be made a requirement of the plat.

#### Section 3-10. Vacation of Plats

1. Any plat or any part of any plat may be vacated by the owner of the premises, at any time before the sale of any lot therein, by a written instrument, to which a copy of such plat shall be attached, declaring the same to be vacated.

2. Such an instrument shall be approved in the same manner as provided herein for plats of subdivisions. The Mayor and Commissioners may reject any such instrument which abridges or destroys any public rights in any of its public uses, improvements, streets, or alleys.

3. Such an instrument shall be executed, acknowledged or approved, and recorded or filed, in like manner as plats of subdivisions; and being duly recorded or filed shall operate to destroy the force and effect of the recording of the plat so vacated, and to divest all public rights in the streets, alleys, and public grounds, and all dedications laid out or described in such plat.

4. When lots have been sold, the plat may be vacated in the manner herein provided by all the owners of lots in such plat joining in the execution of such writing.

#### Section 3-11. Enforcement of This Ordinance

1. This Ordinance shall be enforced by a duly empowered Town Official.

2. Whoever, being the owner or agent of the owner of any land located within a subdivision, transfers or sells or agrees to sell or negotiate to sell any land by reference to or exhibition of or by other use of a plat of a subdivision, before such plat has been approved in the manor as provided herein and recorded or filed in the office of the Clerk of the Court, shall forfeit and pay a penalty of not less than two hundred dollars (\$200) and not more than one thousand dollars (\$1,000) in the discretion of the court for each lot or parcel so transferred or sold or agreed or negotiated to be sold; and the description of such lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties or from the remedies herein provided. The Town may enjoin such transfer or sale or agreement by action for injunction brought in any court of equity jurisdiction or may recover the said penalty by civil action in any court of competent jurisdiction.

(Effective 12/26/93 per Ordinance No. 93-11-4)

#### Section 3-12. Repeal of Conflicting Ordinances; Effective Date

All ordinances or parts of ordinances in conflict with this subdivision ordinance, or inconsistent with the provisions of this ordinance, are hereby repealed to the extent necessary to give this ordinance full force and effect. This ordinance shall become effective on April 26, 1981.

#### Section 3-13. Separability Clause

Should any section or provision of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not effect the validity of the ordinance as a whole or any part thereof other than part so declared to be unconstitutional or invalid.

**ARTICLE IV: Approval Procedures****Section 4-1. Introduction**

This article explains the three-stage approval process for major subdivision plats and the process required for minor subdivisions. The three stages outlined herein as Part A, Part B, and Part C, and the procedures pertaining thereto, shall be followed in all subdivisions of five lots or more unless the Planning Commission, upon review of the tentative sketch plan, shall determine that the Preliminary plat stage can be omitted.

1. Minor Subdivision - for a minor subdivision of four lots or less on an existing public street, a preliminary plat shall not be required. In this latter case, the procedures and plats and data required by the Town Administrator shall be as follows:

a. The Town Administrator has the authority to approve minor subdivisions of land and/or minor adjustments in lot lines without the necessity of the Subdivision complying with preliminary plat procedures or going before the Planning Commission, provided that before any such administrative approval, the Cecil County Technical Advisory Committee shall review any such minor subdivision and make whatever comments the Committee members feel inclined to do.

b. A property owner shall apply to the Planning Commission for approval of up to four (4) lots by submitting a combined preliminary/final plat, provided that the proposed subdivision does not involve a proposed new street. The combined preliminary/final plat application shall be submitted on forms approved by the Town and the appropriate fees shall be paid. The combined preliminary/final plat shall follow all requirements of a normal final plat as provided in Section 6-4.

The combined preliminary/final plat shall also contain the following information:

1) Existing topography at two or five-foot contour intervals. Contour lines shall be indicated at least fifty (50) feet beyond the subdivision boundary. Contours shall be based upon government bench marks when available or be estimation from United States Geological Survey quadrangle maps unless otherwise required by the Planning Commission. A reference or bench mark

shall be described on the plat, together with elevation. The source of contours shall be stated on the plat.

2) All existing pertinent features, either natural or man-made, that may influence the design of the subdivision, such as important trees or wooded areas, power transmission towers, existing buildings and structures and watercourses.

3) Location of existing and recorded utility easements on or within two hundred (200) feet of the tract. This should include electric and telephone poles, underground cables and towers.

4) Location and extent of permanent erosion and sediment control facilities (e.g., sedimentation ponds, drainage ditches, diversion terraces, etc.), if required by the Cecil County Soil Conservation District, shall be shown, as well as location of wells, septic disposal areas, percolation information and soil types.

5) Information required by the Town of North East Critical Area Program, including but not limited to the Critical Area Buffer, SD-1 Critical Area District, the Critical Area Boundary line on parcels created and Habitat Protection Areas, forests and developed woodlands on or in the vicinity of the proposed minor subdivision, limits of tidal wetlands, the mean high water line and an environmental assessment.

6) The location and extent of existing and/or proposed shore erosion abatement approaches.

c. The Town Administrator may require full compliance with the major subdivision approval process where special problems prevail in a Minor Subdivision Application or where prior subdivision has occurred. In any case, no more than four (4) parcels may be approved administratively under this minor subdivision approval process from any lot or parcel of land which was in existence on the date of original enactment of these Subdivision Regulations, April 26, 1981.

d. An applicant for a minor subdivision may appeal any decision of the Town Administrator in the minor subdivision approval process to the Planning Commission. The Town Administrator may also refer questions or the

entire approval process to the Planning Commission in cases of question or difficulty.

(Effective 12/26/93 per Ordinance No. 93-11-4)

## **PART A. TENTATIVE SKETCH PLAN**

### Section 4-2. Purpose

The purpose of the "Tentative Sketch Plan" is to afford the applicant the opportunity to consult early and informally with Town officials and the Planning Commission and agencies before preparation of the preliminary plat and formal application for approval.

During the "Tentative Sketch Plan" procedure, the applicant can advantageously make use of the services of the administrative personnel of the Town as well as the Planning Commission to help him analyze the problem of the development and plan more adequately for its sound coordination with the community. This procedure also affords the Town the opportunity to give informal guidance to the applicant at a stage when potential points of difference can be more easily resolved. It can also simplify official actions and save unnecessary expense and delay.

### Section 4-3. Procedure

1. Applicant prepares sketch plan and accompanying application containing information as specified in Section 6-1.
2. Applicant submits four copies of the sketch plan and application to the Administrator.
3. The Administrator checks submission against a checklist for completeness; and
  - a. if submission is incomplete, immediately returns submission to applicant and indicates deficiencies; or
  - b. if submission is complete, accepts sketch plan and application.
4. The Administrator shall immediately distribute copies of the sketch plan and application to:

- a. President and Commission - one (1) copy;
  - b. Planning Commission - one (1) copy;
  - c. Cecil County Planning Director - one (1) copy;
  - d. one (1) copy shall be retained for the Town files.
5. At first regular meeting held fifteen (15) days following receipt of the complete submission by the Administrator, the Planning Commission:
- a. receives and reviews the applicant's submission;
  - b. receives and reviews reports by Town and County agencies;
  - c. hears applicant's presentation; and
  - d. discusses submission with the applicant.
6. The Planning Commission either the same evening or at least within one (1) month following the receipt of the applicant's submission by the Commission shall:
- a. evaluate applicant's submission, presentation, discussion with applicant, and reports from Town and County agencies;
  - b. determine whether the sketch plan meets the objectives and requirements of these regulations and other applicable regulations and ordinances; and
  - c. inform the applicant in writing the decision, including required changes in the sketch plan and the reasons for the decision.

**PART B. PRELIMINARY PLAT****Section 4-4. Purpose**

The purpose of the preliminary plat is to require formal conditional approval in order to minimize changes and revisions before a final plat is submitted.

The preliminary plat shall be submitted prior to the completion of the final surveys of streets and lots, and before any street grading or street construction has been started, and before any map of said subdivision is made in final form for recording.

The preliminary plat and all information and procedures relating thereto shall in all respects be in compliance with the provisions of these regulations, except where variation therefrom may be specifically authorized in writing by the Planning Commission.

**Section 4-5. Procedure**

1. Applicant prepares preliminary plat and application in accordance with Section 6-2.
2. Applicant submits six (6) copies of the preliminary plat and application to the Administrator.
3. Administrator checks submission against checklist for completeness; and
  - a. if submission is incomplete, immediately returns submission to applicant and indicates deficiencies;
  - b. if submission is complete, accepts preliminary plat, application and fees.
4. Administrator shall immediately distribute copies of the preliminary plat and application to:
  - a. President and Commission - one (1) copy;
  - b. Planning Commission (at least 10 days prior to its next regularly scheduled meeting) - two (2) copies;
  - c. Town Engineer and other agencies as applicable – one (1) copy each;

- d. Cecil County Planning Director - copies as required;
  - e. one (1) copy shall be retained for the Town files.
5. At first regular meeting following receipt of the complete submission to the Administrator, the Planning Commission
- a. receives and reviews the applicant's submission;
  - b. receives and reviews reports from Town and other agencies;
  - c. hears applicant's presentation; and
  - d. discusses submission with the applicant.
6. The Planning Commission, either the same evening or at least within one (1) month following the receipt of the applicant's submission by the Commission shall:
- a. evaluate applicant's submission, presentation, discussion with the applicant, and reports from Town agencies;
  - b. determine whether the preliminary plat meets the objectives and requirements of the Town subdivision regulations and other regulations and ordinances; and
  - c. inform the applicant in writing the decision including required changes in the preliminary plat and the reasons for the decision.
7. The action of the Planning Commission shall be noted on two copies of the preliminary plat, referenced and attached to any conditions determined. One copy shall be returned to the subdivider and the other retained by the Planning Commission.
8. Conditional approval of a preliminary plat shall not constitute approval of the final plat. Rather it shall be deemed an expression of approval of the preliminary plat as a guide to the preparation of the final plat. Upon fulfillment of the requirements of these regulations and the conditions of the conditional approval, if any, the final plat shall be submitted for the approval of the Planning Commission and for recording with the Clerk of the Circuit Court.

9. Should the subdivider fail to submit to the Planning Commission a final plat affecting all or part of the area covered by the preliminary plat within one year of the date of the conditional approval, the conditional approval shall expire.

### **PART C. FINAL PLAT**

#### Section 4-6. Purpose

The purpose of the final plat is to require formal approval by the Planning Commission before plats for all subdivisions are recorded as required by Article 66B of the Annotated Code of Maryland.

#### Section 4-7. General

A final plat shall be submitted conforming to the preliminary plat as approved. The final plat and all information and procedures relating thereto shall in all respects be in compliance with the provisions of these Regulations, except where variation therefrom may be specified in writing by the Planning Commission. The final plat may constitute only that portion of the approved preliminary plat which the subdivider proposes to record and develop at the time.

#### Section 4-8. Procedure

1. Applicant prepares final plat and application in accordance with Section 6-3.
2. Applicant submits six (6) copies of the final plat and application within one (1) year from the date of receiving conditional approval of the preliminary plat to the Administrator.
3. Administrator checks submission against checklist for completeness; and
  - a. if submission is incomplete, immediately returns submission to applicant and indicates deficiencies; or

- b. if submission is complete, accepts final plat and application.
4. Administrator shall immediately distribute copies of the final plat and application to:
  - a. President and Commission - one (1) copy;
  - b. Planning Commission (at least 10 days prior to its next regularly scheduled meeting) - two (2) copies;
  - c. Town Engineer and other agencies as applicable - one (1) copy;
  - d. Cecil County Planning Director - copies as required;
  - e. one (1) copy shall be retained for the Town files.
5. At first regular meeting following receipt of the complete submission to the Administrator, the Planning Commission
  - a. receives and reviews the applicant's submission;
  - b. receives and reviews report by the Town Engineer and other agencies;
  - c. hears applicant's presentation; and
  - d. discusses submission with the applicant.
6. The Planning Commission, either the same evening or within one (1) month following the receipt of the applicant's submission by the Commission shall:
  - a. evaluate applicant's submission, presentation, discussion with applicant, and the Town agencies' report;
  - b. determine whether the final plat meets the objectives and requirements of the Subdivision Regulations and other applicable regulations and ordinances; and

c. inform the applicant in writing the decision, including required changes and the reasons for the decision.

7. If approved:

a. the Planning Commission shall adopt a resolution approving the final plat;

b. approval shall not be final until entry into contract and production of improvement guarantee as set forth in Article V;

c. three (3) exact copies of the approval final plat on linen or mylar with the required signatures as specified in Section 6-4, and one (1) additional copy on mylar or other reproducible base shall be submitted to the Planning Commission.

8. The Planning Commission shall then file the three (3) linen or mylar prints as required for record with the Clerk of the Court of Cecil County, and shall distribute other prints to official agencies as may be needed.

#### Section 4-9. Effect of Recording

1. Streets, parks, and other public improvements shown on a subdivision plat to be recorded may be offered for dedication to the Town by formal notation thereof on the plat, or the owner may note on the plat that such improvements have not been offered for dedication to the Town.

2. Recording of the final plat by the Planning Commission shall not be deemed to constitute or effect an acceptance by the public of the dedication of any street or other proposed public park or improvement shown on said plat, but improvements so noted for dedication may be accepted by the public through any subsequent appropriate act.

### **PART D. ACCEPTANCE OF STREETS AND IMPROVEMENTS BY THE TOWN**

#### Section 4-10. Preliminary Inspection

1. The applicant shall notify the Administrator of the completion of the required improvements.

2. The Administrator shall:

- a. inspect the completed required improvements; and
- b. submit in writing a report to the President and Commission specifying those items of construction, material, and workmanship which do not comply with the Town specifications or the approved final plat.

3. The applicant upon notification from the Administrator shall:

- a. proceed, at his own cost, to make such corrections as shall be required to comply with the Town specifications and approved final plats; and
- b. notify the Town upon completion, requesting final inspection.

Section 4-11. Final Inspection

The President and Commission and Administrator shall make a final inspection with the applicant of all required improvements.

Section 4-12. Acceptance

If improvements are to be accepted by the Town, the President and Commission shall notify the applicant of acceptance of the required improvements if satisfied that the applicant has complied with all specifications and ordinances of the Town.

**ARTICLE V:       Improvements**Section 5-1. Contracts

Before the Planning Commission shall cause its approval to be endorsed upon the final plat of any subdivision (except in the case of minor subdivisions wherein the Commission imposes no condition or conditions for the approval of the plat), and as a requisite for the approval thereof:

1. Required improvements shall be completed. Such improvements shall be inspected by the Town Engineer and accepted by the Administrator, President and Commission and other proper authorities; or

2. The owner shall enter into a written agreement with the Town in the manner and form set forth by the Town Attorney where he shall agree:

a. to construct or cause to be constructed, at his own expense, all streets, curbs, sidewalks, fire hydrants, drainage facilities, street signs, monuments, water and sewerage facilities, and other improvements shown on or accompanying said final plat when required to do so by the Planning Commission in accordance with the final plats, as finally approved, and in strict accordance with the standards and specifications of the Town;

b. to maintain at his own cost the said streets, curbs, sidewalks, fire hydrants, drainage facilities, street signs, monuments, water and sewerage facilities, and other improvements, until the same are accepted by the Town;

c. to obtain the easements and releases required when any street, drainage facility, or other improvement wherein a subdivision abuts or traverses land of persons other than the person holding legal title to the lands of the subdivision, at his own cost, and to obtain from the owner of the lands so abutted or traversed full releases from all damages which may change in grade, construction, or otherwise, the street, drainage facility, or other improvement, and such releases shall insure to the benefit not only of the owner of the subdivision but to the Town as well.

Section 5-2. Guaranty

In order to assure the Town that the streets, curbs, sidewalks, fire hydrants, drainage facilities, street signs, monuments, water and sewerage facilities, and other improvement shown on or accompanying said final plats

will be constructed and installed in strict accordance with the plats, as finally approved, and with the standards, regulations, and specifications of the Town, and will be maintained until accepted by the Town, the owner shall furnish to the Town cash or a bond with such surety as the President and Commission shall approve in an amount sufficient to cover cost, as estimated by the Administrator, of the construction and installation of the aforesaid improvements, until the same shall be accepted by the Town.

The improvement guarantee shall be conditioned upon:

1. The owner constructing and installing, or causing to be constructed or installed, in strict accordance with the final plat and accompanying submittals, as finally approved, and with the Town standards and specifications, the streets curbs, sidewalks, fire hydrants, drainage facilities, street signs, monuments, water and sewerage facilities, and other improvement shown on or accompanying said final plat.
2. The owner maintaining at his own cost the said streets, curbs, sidewalks, fire hydrants, drainage facilities, street signs, monuments, water and sewerage facilities, and other improvements, until the same are accepted by the Town for public use.
3. The faithful performance by the owner of the contract provided for in these Regulations.

#### Section 5-3. Temporary Improvement

The applicant shall build and pay for all costs of temporary improvements required by the Planning Commission and shall maintain same for the period specified by the Planning Commission. Prior to construction of any temporary facility or improvement, the applicant shall file with the Town a separate suitable bond for temporary facilities. This bond shall insure that the temporary facilities will be properly constructed, maintained, and removed.

#### Section 5-4. Failure to Complete Improvement

For subdivisions for which no performance bond has been posted, if the improvements are not completed within the period specified by the Planning Commission in the resolution approving the plat, the approval shall be deemed to have expired. In those cases where a performance bond has been posted and required improvements have not been installed within the terms of such

performance bond, the Town may thereupon declare the bond to be in default and require that all the improvements be installed regardless of the extent of the building development at the time the bond is declared to be in default.

#### Section 5-5. Inspection of Improvements

##### 1. General Procedure and Fees

The Planning Commission shall provide for inspection of the Town Engineer of required improvements during the construction and insure their satisfactory completion. The applicant shall pay to the Town the Town Engineer's inspection fee. These fees shall be due and payable to the Town upon demand and no building permits or certificates of occupancy shall be issued until all fees are paid. If the Town Engineer finds upon inspection that any of the required improvements have not been constructed in accordance with the Town's construction standards and specifications, the applicant shall be responsible for completing the improvements. Wherever the cost of improvements is covered by a performance bond, the applicant and the bonding company shall be severally and jointly liable for completing the improvements according to specifications.

##### 2. Release or Reduction of Performance Bond

a. Certificate of Satisfactory Completion. The President and Commission will not accept dedication of required improvements, not release nor reduce a performance bond, until the Town Engineer has submitted a certificate stating that all required improvements have been satisfactorily completed and until the applicant's engineer or surveyor has certified to the Town Engineer, through submission of detailed "as-built" survey plat of the subdivision, indicating location, dimensions, materials, and other information required by the Planning Commission or Town Engineer, that the layout of the line and grade of all public improvements is in accordance with construction plans for the subdivision and that a title insurance policy has been furnished to and approved by the Town Attorney indicating that the improvements shall have been completed, are ready for dedication to the Town and are free and clear of any and all liens and encumbrances. Upon such approval and recommendation, the President and Commission shall thereafter accept the improvements for dedication in accordance with the established procedure.

b. Reduction of Performance Bond. A performance bond shall be reduced upon actual dedication of public improvements and then only to the ratio that the public improvement dedicated bears to the total public improvements for the plat. In no event shall a performance bond be reduced below twenty-five percent (25%) of the principal amount.

#### Section 5-6. Escrow Deposits for Lot Improvements

##### 1. Acceptance of Escrow Funds

Whenever, by reason of the season of the year, any lot improvements required by the subdivision regulations cannot be performed, the Administrator may, nevertheless, issue a certificate of occupancy, provided there is no danger to health, safety, or general welfare upon accepting a cash escrow deposit in an amount to be determined by the Town Engineer for the cost of said improvements. The performance bond covering such lot improvements shall remain in full force and effect.

##### 2. Procedures on Escrow Fund

All required improvements for which escrow monies have been accepted by the Town at the time of issuance of a certificate of occupancy shall be installed by the developer within a period of nine (9) months from the date of deposit and issuance of the certificate of occupancy. In the event that the improvements have not been properly installed, at the end of the time period the Administrator shall give two (2) weeks' written notice to the developer requiring him to install them, and in the event that same are not installed properly in the discretion of the Administrator, the Administrator may request the President and Commission to authorize the Town to proceed to contract out the work for the installation of the necessary improvements in a sum not to exceed the amount of the escrow deposit. At the time of the issuance of the certificate of occupancy for which escrow monies are being deposited with the Administrator, the applicant shall obtain and file with the Administrator prior to obtaining the certificate of occupancy a notarized statement from the purchaser or purchasers of the premises authorizing the Administrator to install the improvements at the end of the nine-month period in the event that the same have not been duly installed by the developer.

### Section 5-7. Deferral or Waiver of Required Improvements

1. The Planning Commission may defer or waive at the time of final approval, subject to appropriate conditions, the provision of any or all such improvements as, in its judgment, are not requisite in the interests of the public health, safety, and general welfare, or which are inappropriate because of inadequacy or lack of connecting facilities.
2. Whenever it is deemed necessary by the Planning Commission to defer the construction of any improvement required herein because of incompatible grades, future planning, inadequate or lack of connecting facilities, or for other reasons, the applicant shall pay his share of the costs of the future improvements to the Town prior to signing of the final subdivision plat, or the applicant may post a bond insuring completion of said improvements upon demand of the local government.

### Section 5-8. Issuance of Building Permits and Certificates of Occupancy

1. Where a performance bond has been required for a subdivision, no certificate of occupancy for any building in the subdivision shall be issued prior to the completion of the improvements and dedication of same to the Town, as required in the Planning Commission's final approval of the subdivision plat.
2. The extent of street improvement shall be adequate for vehicular access by the prospective occupant and by police and fire equipment, prior to the issuance of an occupancy permit. The developer shall at the time of the dedication submit monies in escrow to the Town in a sum determined by the Town Engineer for the necessary final improvement of the street.
3. No building permit shall be issued for the final ten percent (10%) of lots in a subdivision, or if ten percent (10%) be less than two (2), for the final two (2) lots of a subdivision, until all public improvements required by the Planning Commission for the plat have been fully completed and dedicated to the Town.

Section 5-9. Consumer Protection Legislation and Conflicts of Interest Statutes

1. No building permit or certificate of occupancy shall be granted or issued if a developer or his authorized agent shall have violated any federal, state, or local law pertaining to consumer protection of real estate land sales, promotion, or practices, or any applicable conflicts-of-interest legislation with respect to the lot or parcel of land which is the subject of the permit or certificate, until so ordered by a court of competent jurisdiction.
  
2. With respect to said lot or parcel of land, in the event a building permit or certificate of occupancy has been granted or issued, it shall be subject to revocation by the Town until so ordered otherwise by a court of competent jurisdiction, provided that in no event shall the rights of intervening innocent third parties in possession of a certificate of occupancy be prejudiced in any such revocation.

**ARTICLE VI: Plat and Data Requirements****Section 6-1. Tentative Sketch Plan Stage**

The subdivider shall submit the following information to the Planning Commission:

1. Written statement describing existing site conditions and proposed development to include:

- a. Data on existing and proposed covenants
- b. Land characteristics
- c. Available community facilities and utilities
- d. Number of residential lots anticipated
- e. Typical lot width and depth
- f. Business areas
- g. Playgrounds
- h. Parks and other public areas
- i. Proposed utilities and street improvements

2. Location map showing relationship of proposed subdivision to existing community facilities which serve or influence it to include:

- a. Development name and location
- b. Main traffic arteries and public transportation lines
- c. Shopping centers
- d. Schools
- e. Parks and playgrounds

- f. Principal places of employment
  - g. Other community features such as railroad stations, airports, hospitals and churches; title of map; scale; north arrow; and date.
3. Tentative sketch plan including the following information:
- a. Name of the subdivision
  - b. Name and address of the owner
  - c. Name and address of the proposed engineer or surveyor
  - d. Tract boundaries
  - e. North point and date
  - f. Streets on and adjacent to the tract
  - g. Significant topographical and physical features
  - h. Proposed general street layout
  - i. Proposed general lot layout
  - j. Contours based on U.S.G.S. topography.
  - k. General location and areal extent of the following when the subdivision is proposed in the Town of North East Critical Area:
    - 1) Tidal and non-tidal wetlands;
    - 2) Streams;
    - 3) Areas of steep slopes, highly erodible and other soils with development constraints;
    - 4) Shore and stream Buffer (100 feet minimum);

5) Natural resource protection areas, including Habitat Protection Areas, forests and developed woodlands on or in the vicinity of the proposed subdivision;

6) The Critical Area Boundary and the current land management classification(s), i.e., intensely developed area (IDA), limited development area (LDA), or resource conservation area (RCA);

7) Computation of the amount of acres in the Critical Area District; and

8) The location and extent of existing and/or proposed erosion abatement approaches.

In addition, the Planning Commission may require such other information as it determines is necessary for its consideration of the proposed sketch plan, including the data listed in 6-2 below.

#### Section 6-2. Preliminary Plat: Plats and Data for Conditional Approval

The preliminary plat shall be at a scale of one hundred (100) feet to one (1) inch or other scale as the Planning Commission may direct. It shall show or have attached the following information and proposals:

1. Topographic data shall include the following information on existing conditions except when otherwise specified by the Planning Commission:

a. Complete outline survey of the property to be subdivided showing all courses, distances, and area, and tie-ins to all adjacent street intersections.

b. Existing easements: location, width and purpose.

c. Ground elevations on the tract, based on a datum plan approved by the Town Engineer: for land that slopes less than approximately two (2) percent show spot elevations at all breaks in grade along all drainage channels or swales, and at selected points not more than one hundred (100) feet apart in all directions; for land that slopes more than approximately two (2) percent either show contours with an interval or not more than five (5) feet if ground slope is regular and such information is sufficient for planning purposes, or show contours with an interval of not more than two (2) feet if necessary

because of irregular land or need for more detailed data for preparing plans and construction drawings.

d. Subsurface conditions on the tract, if required by the Planning Commission: Location and results of tests made to ascertain subsurface soil, rock and ground water conditions; depth to ground water unless test pits are dry at a depth of five (5) feet; location and results of soil percolation tests if individual sewage disposal systems are proposed.

e. Other existing conditions on the tract: water courses areas subject to flooding, marshes, wooded areas, and isolated preservable trees, houses, barns, shacks, and other significant features.

f. Other existing conditions on adjacent land: approximate direction and gradient of ground slope, including any embankments or retaining walls; location of railroads, power lines, towers, and other nearby nonresidential land uses; owners of adjacent unplatted land; for adjacent platted land refer to subdivision plat by name, recordation date, and number.

2. Improvements on or adjacent to the site, as follows:

a. Existing streets on or within 25 feet of the tract: name and right-of-way width and location; type, width and elevation of surfacing; any legally established center-line elevations; walks, curbs, gutters, culverts, etc..

b. Existing utilities either on or within 25 feet of the tract: location, size and invert elevation of sanitary, storm and combined sewers; location and size of water mains; location of gas lines, fire hydrants, electric and telephone poles, and street lights; if water mains and sewers are not on or within 25 feet of the tract, indicate the direction and distance to and size of nearest ones, showing invert elevation of sewers.

c. Houses, barns, shacks and other significant features.

d. Proposed public improvements: highways or other major improvements planned by public authorities for future construction on or near the tract.

3. Other information as follows:

a. Zoning on and adjacent to the tract.

b. A location map for the purpose of locating the site to be subdivided at a scale of not less than eight hundred (800) feet to the inch showing the relation of the tract to adjoining property and to all streets and municipal boundaries existing within one thousand (1,000) feet of any part of the property proposed to be subdivided.

c. Title and certificates: present tract designation according to official records in office of appropriate recorder; title under which proposed subdivision is to be recorded, with names and addresses of owners, notation stating acreage, scale, north arrow, datum, benchmarks, certification of registered civil engineer or surveyor, date of survey, date of application.

4. Proposals for the subdivision, including the following:

a. Street names, right-of-way roadway widths, approximate grades and gradients, and similar data for alleys, if any.

b. Other right-of-way or easement: locations, widths and purposes.

c. Location of utilities, if not shown on other exhibits.

d. Lot lines, lot numbers, block numbers, and approximate lot dimensions.

e. Sites, if any, for multi-family dwellings, shopping centers, churches, industry or other non-public uses exclusive of single-family dwellings.

5. For proposed subdivisions located in the Critical Area the following additional information will be shown on the Preliminary Plat as applicable:

a. Computation of the total area within the Critical Area District, area within each of the land management classifications (i.e., IDA, LDA, RCA), number of lots in the Critical Area;

b. Slopes 15 percent or greater;

c. Location and area extent of all soils exhibiting the following characteristics as determined by the Soil Survey, such as:

1) Septic Limitations

- 2) Wet soils
- 3) Hydric Soils and soils with hydric properties
- 4) Highly erodible soils (soils on slope greater than 15 percent or soils on slope greater than 5 percent with "K" values greater than 0.35)
  - d. Location of all existing or proposed site improvements (including storm drains, culverts, retaining walls, fences, storm water management facilities as well as any sediment and erosion control structures);
  - e. Location of open space, the Buffer and other buffer areas, forested areas and landscaping (the plan shall show all areas to be maintained as landscaping to be provided and the means by which such landscaping will be permanently maintained shall be specified);
  - f. Location of all Habitat Protection Area on the site;
  - g. Location of tidal and non-tidal wetlands on and adjacent to the site and delineation of the watershed thereof;
  - h. Location of eroding shoreline reaches, the rates of erosion, areas, where shore erosion measures are in-place, areas to be protected by installation of proposed erosion abatement approaches;
  - i. Location of anadromous fish spawning stream(s) on or adjacent to the site and a delineation of the watershed area of the stream on the site;
  - j. Areas proposed for reforestation and afforestation;
  - k. Total area of the site that will be temporarily disturbed during development and area that will be permanently disturbed (disturbed is defined as any activity occurring on an area which may result in the loss of or damage to existing natural vegetation); and
  - l. The location of the Critical Area District Boundary, the mean high waterline and the landward edge of tidal wetlands.

6. In addition to the information above, the Preliminary Site Plan shall be accompanied by the following when the subdivision or development is proposed in the Critical Areas, as required:

a. A Planting Plan is reviewed by and addressing the comments of the Bay Watershed Forester;

b. A Habitat Protection Plan including the comments of the Maryland Forest, Park and Wildlife Service and the Water Resources Administration;

c. A preliminary Stormwater Management Plan;

d. A preliminary Sediment and Erosion Control Plan;

e. A Shore Erosion Protection Plan complete specification for proposed shore erosion work;

f. A Environmental Assessment Report which provides a coherent statement of how the proposed development addresses the goals and objectives of the Town of North East Critical Area Program. At a minimum the Environmental Assessment shall include:

1) A statement of existing conditions, e.g., amount and types of forest cover, amount and type of wetlands, discussion of existing agriculture activities on the site, soil types, topography, etc;

2) Discussion of proposed development project, including number and type of residential units, amount of impervious surface, proposed sewer treatment and water supply, acreage devoted to development, proposed open space and habitat protection areas;

3) A discussion of the proposed development's impacts on water quality and Habitat Protection Areas; and

4) Documentation of all correspondence and findings.

### Section 6-3. Final Plat

The final plat shall show or be accompanied by the following information:

1. Drafting standards

- a. The plat shall be drawn at a scale of 1" = 50' or 1" = 100'.
- b. The plat shall be a clear and legible white paper print.
- c. Dimensions shall be in feet and decimals to the nearest hundredth of a foot, and the bearings in degrees, minutes, and seconds.
- d. Each sheet shall be numbered and shall show its relationship to the total number of sheets.
- e. The boundary line of the subdivision shall be shown as a solid heavy line.
- f. Final plats shall be on sheets either 18" x 22" or 36" x 44" and all lettering shall be so drawn as to be legible if the plat should be reduced to half size.

## 2. Information to be shown - General

- a. Name of the subdivision.
- b. Name and address of the owner(s).
- c. Name and address of the engineer or surveyor.
- d. Date, north point, and scale.
- e. A location map for the purpose of locating the site to be subdivided at a scale of not less than eight hundred (800) feet to the inch showing the relation of the tract to adjoining property and to all streets, roads, and municipal boundaries existing within one thousand (1,000) feet of any part of the property proposed to be subdivided.
- f. State Department of Health and Mental Hygiene certification.

## 3. Existing features

- a. Complete outline survey of the property to be subdivided, showing all courses, distances, and area, and tie-ins to all adjacent street intersections.

b. The location, names, and widths of streets, the location of property lines and name of owner(s), the location of water courses, sanitary sewers, storm drains, and similar features within twenty-five (25) feet of any part of the land to be subdivided.

c. Location, size, and ownership of all underground utilities, and any rights-of-way within the property.

d. Location of existing buildings, the outlines of all wooded areas, marshy areas, and areas subject to flooding.

#### 4. Proposed layout

a. Lot layout, including dimensions and bearings and consecutive numbering of lots.

b. The proposed names, pavement width, and right-of-way width of all proposed streets.

c. Sufficient data to determine readily the location, bearing and length of every street, lot, and boundary line.

d. The proposed building setback line for each street.

e. Accurate location and description of all monuments.

f. The location, width, and purpose of all easements or rights-of-way and boundaries by bearings and dimensions.

g. The average and minimum lot size.

h. The location, size, and invert elevations of all sanitary sewers, storm sewers, and locations of all manholes, inlets and culverts, and design calculations of same along with the plat and profile of same and why appurtenances.

i. The location of all existing and proposed fire hydrants and utilities.

j. Typical cross sections and street profiles for all streets. Such profiles shall show the existing and proposed grades along the proposed street centerlines.

#### Section 6-4. Record Plat

The record plat shall be clear and legible blue or black line print on white opaque line or mylar and shall be an exact copy of the approved minor subdivision plat or final plat on a sheet of the size required for minor subdivision plat or final plat.

The following information shall appear on the record plat, in addition to the information required in Section 6-3:

##### 1. Seals

a. The impressed seal of the licensed engineer or surveyor responsible for the plat.

b. The impressed corporation seal, if the applicant is a corporation.

c. The impressed seal of a notary public or other qualified officer acknowledging owner's statement of intent.

##### 2. Acknowledgements

a. A statement to the effect that the applicant is the owner of the subdivision shown on the final plat is made with his or their consent and that it is desired to record the same.

b. Acknowledgement of said statement before an officer authorized to take acknowledgements.

3. The following signatures shall be placed directly on the plat in black india ink:

a. The signatures of the owner or owners of the land. If the owner of the land is a corporation, the signature of the president and secretary of the corporation shall appear.

b. The signature of the notary public or other qualified officer acknowledging the owner's statement of intent.

c. The signature of the licensed engineer or surveyor who prepared the plat.

d. The signature of the chairman and secretary of the Planning Commission when, under these regulations, the Planning Commission is the approving body.

e. The signature of the Town Administrator when, under these regulations, the Town Administrator is the approving authority.

f. The signature of the Town Engineer, when applicable.

g. The signature of the Deputy State Health Officer of Cecil County, when applicable.

(Effective 12/26/93 per Ordinance No. 93-11-4)

#### Section 6-5. Modification of Requirements

The above requirements for preliminary and final plats and for the supporting data may be modified by the Planning Commission.

In subdivisions requiring no new streets, and in the case of re-subdivision, the requirements for the contours may be waived at the discretion of the Planning Commission.

**APPENDIX A      DESIGN STANDARDS**

ARTICLE I: General

1. All portions of a tract being subdivided shall be taken up in lots, streets, public lands, or other proposed uses so that remnants and landlocked areas shall not be created.
2. Where trees, groves, waterways, scenic points, historic spots, or other Town assets and landmarks are located within a proposed subdivision, every possible means shall be provided to preserve these features.
3. Land subject to flooding or property and land deemed to be topographically unsuitable shall not be subdivided or developed for residential occupancy or for such other uses as may endanger health, life, or property, or aggravate erosion or flood hazards until all such hazards have been eliminated or unless adequate safeguards against such hazards are provided by the final plats. Such land within a subdivision shall be set aside on the plat for uses that will not be endangered by periodic or occasional inundation or will not produce unsatisfactory living conditions.

ARTICLE II: Conformity with Existing Plans

All proposed subdivisions shall conform to the adopted Comprehensive Plan for North East and shall bear proper relationship to the plans of the Planning Commission. Re-subdivision of a lot or parcel of land in a recorded subdivision may be approved only when it is shown that such re-subdivision will not be detrimental to its neighboring area or plan.

ARTICLE III: Streets

1. The arrangement, character, extent, width, and location of all streets within or bordering the subdivision shall conform to the Comprehensive Plan for North East and shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.
2. Proposed streets shall further conform to all current State Plans for streets and highways.

3. Where such is not shown in the Comprehensive Plan, the arrangement of streets in a subdivision shall either:

a. be continuous and in alignment with existing, planned or platted streets with which they are to connect.

b. conform to a plan for the neighborhood approved or adopted by the Planning Commission to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impracticable.

4. Residential streets shall be laid out in a way that their use by through traffic will be discouraged.

5. Streets that are extensions of or obviously in alignment with existing streets shall bear the names of existing streets.

6. If a portion of a tract is not subdivided, suitable access to the street openings for eventual subdivision of the entire tract shall be provided.

7. Where stub streets are proposed abutting unsubdivided acreage, temporary easements for turn-arounds shall be provided at the boundary lines.

8. Private streets are prohibited.

9. Alleys may be prohibited in developments of single-family detached residences.

10. Where a subdivision abuts or contains an existing or proposed arterial street or railroad right-of-way, the Planning Commission may require marginal access streets at a distance from such right-of way suitable to the appropriate use of the intervening land, as for park purposes in residential districts; reversed lot frontage with screen planting to be installed by the subdivider, contained in a nonaccess reservation along the rear property line, deep lots with rear service alleys; or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic. To these ends the Planning Commission may require the subdivision to be designed so as to limit the number of street intersections at grade and to limit access from abutting properties to arterial streets and highways.

11. Reserve strips controlling access to streets shall be prohibited except where their control is definitely placed in the Town under conditions approved by the Planning Commission.

12. Street right-of way widths shall be shown in the Comprehensive Plan and, where not shown therein shall not be less than as follows:

<u>Street Type</u>	<u>Right-of-Way</u>
Major Arterial	100 feet
Minor Arterial	80 feet
Major Collector	60 feet
Minor Collector	50 feet
Local	50 feet
Marginal Access (Service Roads)	40 feet

13. Half streets shall be prohibited, except where essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations and where the Planning Commission finds it will be practicable to require the dedication of the other half when the adjoining property is subdivided. Wherever a half street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract.

14. Dead-end streets or cul-de-sacs, designed to be so permanently, shall not be longer than five hundred (500) feet and shall be provided at the closed end with a turn-around having an outside roadway diameter of at least eighty (80) feet, and a street property line diameter of at least one hundred (100) feet.

15. Street grades, curves, and intersections shall be subject to the approval of the Town Engineer, defined herein as the Engineer designated by the President and Commissioners of the Town as the person responsible for approving such construction, and the Planning Commission, and in general shall conform to the following specifications:

a. Street jobs with centerline offsets of less than one hundred and twenty-five (125) feet shall be avoided.

b. A tangent at least one hundred (100) feet long shall be introduced between reverse curves on arterial and collector streets.

c. When a deflection angle of more than ten (10) degrees in the alignment of a street occurs, a curve shall be introduced having a centerline radius of curvature not less than four hundred (400) feet on major streets, three hundred (300) feet on collector streets, and one hundred (100) feet on minor streets.

d. All change in grade shall be connected by vertical curves approved by the Town Engineer.

e. Clear visibility, measured along the centerline, shall be provided for at least three hundred (300) feet on major streets, two hundred (200) feet on collector streets, and one hundred (100) feet on minor streets.

f. No street grade shall be less than 0.75 percent, and wherever feasible, shall not exceed the following, with due allowance for reasonable vertical curves:

<u>Street Type</u>	<u>Percent Grade</u>	<u>Street Type</u>	<u>Percent Grade</u>
Major Arterial	5	Minor Collector	8
Minor Arterial	7	Local	9
Major Collector	8	Marginal Access (Service Road)	10

g. Streets shall be laid out so as to intersect as nearly as possible at right angles and no street shall intersect any other street at less than sixty (60) degrees.

h. Multiple intersections including junction of more than two (2) streets shall be avoided.

i. Whenever practicable, the number of intersections within "Arterial" and "Major Collector" roads shall be kept to a minimum, and shall be located at least one thousand (1,000) feet apart.

j. Property lines at street intersections shall be rounded with a radius of ten (10) feet, or of a greater radius where the Planning Commission may deem it necessary. The Planning Commission may permit comparable cut-offs or chords in place of rounded corners.

16. Alleys shall be provided in commercial and industrial districts, except that the Planning Commission may waive this requirement where other definite and assured provision is made for service access, such as off street loading, unloading, and parking consistent with and adequate for the uses proposed.

#### ARTICLE IV: Easements

1. Easements across lots or centered on rear or side lot lines shall be provided for utilities where necessary and shall be at least twelve (12) feet wide.

2. Where a subdivision is traversed by a water course, drainage way, channel, or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially with the lines of such water course, and such further width or construction, or both, as will be adequate for the purpose, as approved by the Town Engineer. Parallel streets or parkways may be required in connection therewith.

3. Where a subdivision borders on a water course in an area designated in the Comprehensive Plan for recreational use, the Planning Commission may require easements to be reserved for public access to the waterfront.

#### ARTICLE V: Blocks

1. The lengths, widths and shapes of blocks shall be determined with due regard to provision of adequate building sites suitable to the special needs of the type of use contemplated, zoning requirements as to lot sizes and dimensions, needs for convenient access, circulation, control and safety of street traffic, and limitations and opportunities of topography.

2. Block length shall not exceed sixteen hundred (1,600) feet, or be less than four hundred (400) feet, except that in unusual situations this provision may be waived by the Planning Commission.

3. Whenever practicable, blocks shall be of such width as to provide two (2) tiers of lots.

4. Pedestrian crosswalks not less than ten (10) feet wide may be required where deemed essential by the Planning Commission to provide circulation or access to schools, playgrounds, shopping centers, transportation, and other community facilities.

ARTICLE VI: Lots

1. The lot size, width, depth, shape, and orientation, and the minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated.

2. Every lot or parcel of land shall abut on a public street

3. Lot dimensions shall conform to the requirements of the zoning ordinance, and:

a. depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated;

b. where practical, the depth of a lot shall not exceed three times the width, and shall not be too shallow for building according to zoning requirements;

c. corner lots for residential use shall have extra width to permit appropriate building setback from and orientation to both streets.

d. in no case shall lots be platted with an area of less than 6,500 square feet or a width of less than 50 feet; except where townhouse development is contemplated in which case minimum lot size will be 2,000 square feet with a minimum width of 18 feet, provided further that where either public water or sewer service is not available, the minimum lot area shall be 15,000 square feet and the minimum lot width shall be eighty (80) feet, and where neither public water or sewer service is available the minimum lot area shall be 20,000 square feet and the minimum lot width shall be one hundred (100) feet.

4. Double frontage and reverse frontage lots should be avoided, except where essential to provide separation of residential development from arterial streets and highways or to overcome specific disadvantages of topography and orientations. A planting screen easement of at least ten (10) feet, across which there shall be no right of access, shall be provided along the line of lots abutting such an arterial street or highway or other disadvantageous use.

5. Side lot lines shall be substantially at right angles or radial to street lines.

ARTICLE VII: Public Sites and Open Spaces

1. Where a proposed park, playground, school or other public use shown in the Comprehensive Plan is located in whole or part in a subdivision, the Planning Commission may require the dedication or preservation of such area within the subdivision in those cases in which the Planning Commission deems such requirements to be reasonable.

2. Where deemed essential by the Planning Commission, upon consideration of the particular type of development proposed in the subdivision, and especially in large-scale neighborhood unit developments not anticipated in the Comprehensive Plan, the Planning Commission may require the dedication for public use, or reservation by deed covenant for common use of all property owners in the subdivision, of such other areas or sites of a character, extent, and location suitable to the needs created by such development for schools, parks, and other neighborhood purposes.

ARTICLE VIII: Names

1. The name of the proposed subdivision shall not be so similar to other existing subdivision names that identification may be confused, and the Planning Commission may require the alteration of such name where in its judgment confusion may arise.

2. The name shall be subject to approval by the Planning Commission, which may require that proposed street names be changed to avoid confusion with existing streets.

ARTICLE IX: Street Signs

1. Construction Standards

a. Street name plates shall be of metal construction; all corners shall be rounded; the lettering shall be of standard proportions and spacing in accordance with one of the alphabets used by the U. S. Bureau of Public Roads. The plates shall be horizontal. The lower edge of the name plate shall be seven (7) feet above the ground level or curb. The name plate shall be attached to the standards by rust-proof metal fasteners.

b. The standards shall be rust-proof metal and shall be of sufficient length to permit the same to be embedded in the ground at a distance of not less than three (3) feet. The standard shall be embedded in a concrete base for a depth of not less than three (3) feet below the surface of the ground, not less than twelve (12) inches in diameter.

The standard shall be heavy wall galvanized pipe not less than 2 ½ inches in diameter. The pipe shall be capped.

ARTICLE X: Sidewalks

The minimum width of sidewalks shall be four (4) feet along all streets. The prepared subgrade shall consist of a four (4) inch insulation course of stone or gravel. This material shall be compacted thoroughly.

The thickness of the concrete placed over the prepared subgrade shall be at least four (4) inches for standard sidewalks and six (6) inches for all sidewalks which cross private driveways.

**APPENDIX B                      REQUIRED IMPROVEMENTS**

Monuments and utility and street improvements shall be provided by the Subdivider in each new subdivision in accordance with the standards and requirements described in the following schedules:

ARTICLE I: Standard A

For duplexes, apartments, townhouses, and similar multi-family residences and one-family detached dwellings with typical lot areas of under 15,000 square feet, the following improvements are required:

1. Monuments shall be placed at all block corners, angle points, points of curves in streets, and at intermediate points as required by the Town Engineer, who shall also approve the material, size, and length of such monuments.
2. Connection to a public water distribution system as approved by the State Department of Health and Mental Hygiene.
3. Connection to a public sewer system as approved by the State Department of Health and Mental Hygiene.
4. Storm sewer system and other drainage improvements as approved by the Town Engineer.
5. Major Street: cross sections in accordance with the Comprehensive Plan and as determined by the Planning Commission.
6. Collector Streets: 50 or 60 foot right-of-way, 38 foot pavement, two 2-foot curb and gutter sections, two 4-foot sidewalks, two 6-foot grass and utility areas, and 20 feet reserved for future expansion.
7. Local Streets: 50-foot right-of-way, 26-foot pavement, two 2-foot curbs and gutter sections, two 4-foot sidewalks, and two 6-foot grass and utility areas.
8. Marginal Access Streets: 40-foot right-of-way, 24-foot pavement, two 2-foot curb and gutter sections, one 4-foot sidewalk and two 4-foot grass and utility areas.

9. Streets along development boundaries, and streets connecting development with existing improved street system as approved by Planning Commission.
10. Pavement base, pavement, wearing surface, sidewalks, and curbs and gutters according to specifications of the Town Engineer.
11. Driveways as approved by Town Engineer.
12. Grading and center line gradients: plans and profiles as approved by Town Engineer.
13. Street trees as approved by Planning Commission.
14. Street name signs as approved by Planning Commission.
15. Street lighting as approved by Town Engineer.
16. The subdivider shall erect at every intersection a street sign or street signs having thereon the names of the intersecting streets. At intersections where streets cross, there shall be at least two (2) such street signs and at the intersections where one (1) street ends or joins with another street, there shall be at least one (1) such street sign.

ARTICLE II: Standard B

For one-family detached dwelling with typical lot areas over 15,000 square feet, the following improvements and utilities are required:

1. Monuments shall be placed at all block corners, angle points, points of curves in streets, and at intermediate points as required by the Town Engineer, who shall also approve the material, size, length of such monuments.
2. Water and sewerage facilities as approved by the State Department of Health and Mental Hygiene.
3. Storm sewer system and other drainage improvements as approved by the Town Engineer.
4. Major streets: cross sections in accordance with the Comprehensive Plan and as determined by the Planning Commission.

5. Collector streets: 50 or 60-foot right-of-way, 36 or 38-foot pavement, two 2-foot curb and gutter sections, two 4-foot sidewalks, and two 6-foot grass and utility areas.
6. Local streets: 50-foot right-of-way, 26-foot pavement, two 12-foot grass and utility areas.
7. Marginal access streets: 40-foot right-of-way, 26-foot pavement, one 10-foot grass and utility area to property line, one 4-foot grass and utility area to property line, one 4-foot grass and utility area to right-of-way line of adjacent arterial street.
8. Streets along development boundaries, and streets connecting development with the existing improved street system as approved by Planning Commission.
9. Pavement base, pavement, wearing surface, sidewalks, and curbs and gutters according to specifications of Town Engineer.
10. Driveways as approved by Town Engineer.
11. Grading and center line gradients: plans and profiles as approved by Town Engineer.
12. Street trees as approved by Planning Commission.
13. Street name signs as approved by Planning Commission.
14. Street lighting as approved by Town Engineer.
15. The subdivider shall erect at every intersection a street sign or street signs having thereon the names of the intersecting streets. At intersections where streets cross, there shall be at least two (2) such street signs and at the intersections where one (1) street ends or joins with another street, there shall be at least one (1) such street sign.