

**SUBDIVISION REGULATIONS**

**TOWN OF PORT DEPOSIT CECIL  
COUNTY MARYLAND**

**ADOPTED JUNE 2, 1992**

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## **ARTICLE I GENERAL PROVISIONS.**

### **Section 1-1 Title.**

This Ordinance shall be known as the Town of Port Deposit Subdivision Regulations.

### **Section 1-2 Purpose and Intent.**

This Ordinance is adopted for the following purposes:

- (1) To protect and provide for the public health, safety, and general welfare of the citizens of the Town of Port Deposit.
- (2) To guide the future growth and development of the Town of Port Deposit, in accordance with the Comprehensive Plan and Town Ordinances of current adoption.
- (3) To provide for adequate light, air and privacy ; to secure safety from fire, flood and other danger; and to prevent overcrowding of the land and undue congestion of population.
- (4) To protect the character, to maintain the social and economic stability, and to encourage the orderly and beneficial development of all parts of the Town of Port Deposit.
- (5) To protect and conserve the value of land, buildings and improvements upon the land; to minimize conflicts among the uses of land and buildings ; and to provide the most beneficial relationship between the uses of land and buildings.
- (6) To guide public and private policy and action in order to provide adequate and efficient transportation , water, sewerage, schools, fire and police protection , solid waste disposal, parks, playgrounds , recreation , and other public requirements and facilities.
- (7) To avoid congestion of streets and highways and to provide for the proper location and width of streets and building lines.
- (8) To establish reasonable standards of design and procedures for subdivisions and resubdivisions , in order to further the orderly layout and use of land; and to insure proper legal descriptions and monumenting of subdivided land.
- (9) To insure that public facilities are available and will have sufficient capacity to serve the proposed subdivision.
- (10) To prevent the pollution of air, rivers, streams and ponds ; to assure the adequacy of drainage facilities ; to safeguard the water table; and to encourage the wise use and management of natural resources, especially sensitive natural areas, throughout the Town of Port Deposit.
- (11) To preserve the natural beauty and topography of the Town of Port Deposit and to insure appropriate development with regard to these natural features.

- (12) To provide for open spaces through the most efficient design and layout of development , consistent with density standards as established in the Town's Zoning Ordinances.
- (13) Furthermore, in accordance with the Town of Port Deposit Critical Area Program, this Ordinance has been established 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 Port Deposit.

### **Section 1-3 Territory Affected.**

This Ordinance shall apply to the incorporated area of the Town of Port Deposit, Maryland .

### **Section 1-4 Separability of Provisions.**

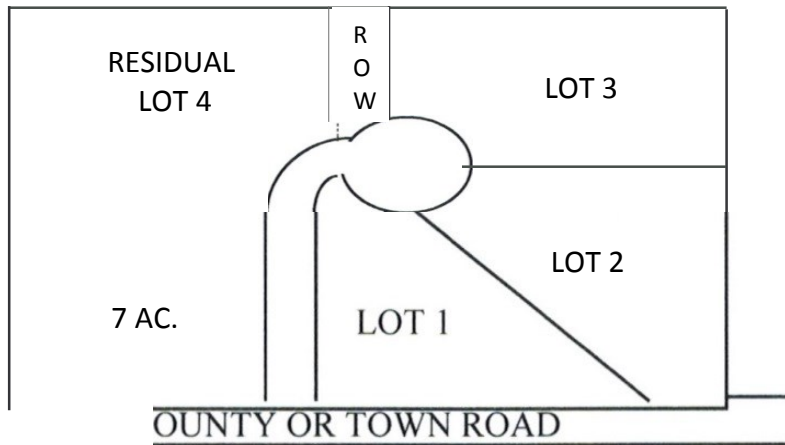
If any part or provision of this Ordinance or application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction , such judgment shall be confined to the part, provision , or application directly involved in all controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Ordinance or the application thereof to other persons or circumstances. The Planning Commission hereby declares that it would have administered the remainder of this Ordinance even without any such part, provision , or application.

### **Section 1-5 Conflict With Other Regulations.**

Whenever any provisions of this Ordinance conflict with any other provisions of law, whether set forth in this Ordinance, or contained in any restrictions covering any of the same subject matter, that provision which is more restrictive or imposes the higher standards or requirements shall govern. Such determination shall be made by the Planning Commission.

### **Section 1-6 Definition of Subdivision.**

- (1) As used in this Ordinance, the Term "SUBDIVISION" shall mean the division of a lot, tract or parcel of land into two (2) or more lots, plats, sites or other divisions of land for the purpose, whether immediate or future, of transfer of ownership or of building development. It includes resubdivision and when appropriate to the context, shall refer to the process of subdividing or the land subdivided.
- (2) Subdivisions shall be classified into one of the following:
  - (a) MAJOR SUBDIVISION - Any subdivision containing five (5) or more lots, plats, sites or other divisions of land.
  - (b) MINOR SUBDIVISION - Any subdivision containing four (4) or fewer lots, plats, sites or other divisions of land from the original parcel of record. The following applies:
    1. The residual parcel shall be counted as one of the Minor Subdivision lots.



Maximum allowable number of lots as a Minor Subdivision. The creation of any additional lots shall be treated as a Major Subdivision.

2. All lots recorded from an original deeded tract of land as of August 7, 1977, shall be counted in determining the total number of lots in the subdivision.
- (3) The residual or remaining portion of a lot, tract or parcel of land being subdivided shall be counted as one of the lots, plats, sites or other divisions of land created.

#### **Section 1-7 Requirements to Submit Plat.**

- (1) The owner or proprietor of any tract of land located in the territory to which this Ordinance applies, who subdivides or proposes to subdivide the same, shall cause a plat of such subdivision to be made in accordance with this Ordinance and shall submit said plat for approval as provided herein.
- (2) No plat of any subdivision shall be recorded with the Clerk of the Circuit Court of Cecil County until it has been submitted to and approved as provided herein.
- (3) Platting and recording of a subdivision plat shall not be required in the following cases:
  - (a) Court Action. Partition of lands by will or through action of a court of competent jurisdiction , unless or until development of the land is proposed.
  - (b) Public Taking. Where a property has been changed in size or shape by reason of the taking of a part of such property for public use by reference to a properly drawn and recorded plat, such as a right-of-way plat ; provided that the outlines and dimensions of such remainder may be clearly determined by reference to the previously recorded plats.
  - (c) Utility Right-of-Way. A bona fide division of a tract of land in order that

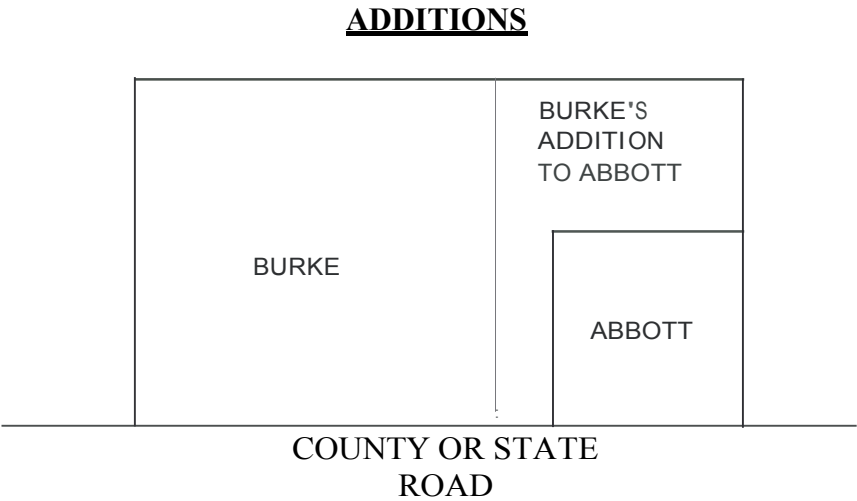
one or more of the resulting parcels may be used as part of an electric transmission line right-of-way or other public utility right-of-way; provided , that if a parcel resulting from such division is ever to be used as a building site for other than an electric transmission line or other public utility right-of-way , then before a building permit may be issued for such other use, a plat must be filed, approved and recorded in accordance with this Ordinance.

**Section 1-8 Resubdivision and Modifications.**

Whenever any resubdivision , modification , division, alteration, deletion or correction is proposed which involves a previously recorded lot, area reserved for public use, easement or right-of-way in a subdivision, the owner shall file an amended plat to the Planning Commission prior to having it recorded.

**Section 1-9 Additions to Lots or Parcels.**

Whenever a lot or parcel is to be subdivided for the purpose of adding land to an adjoining recorded lot or parcel , then the following shall apply:



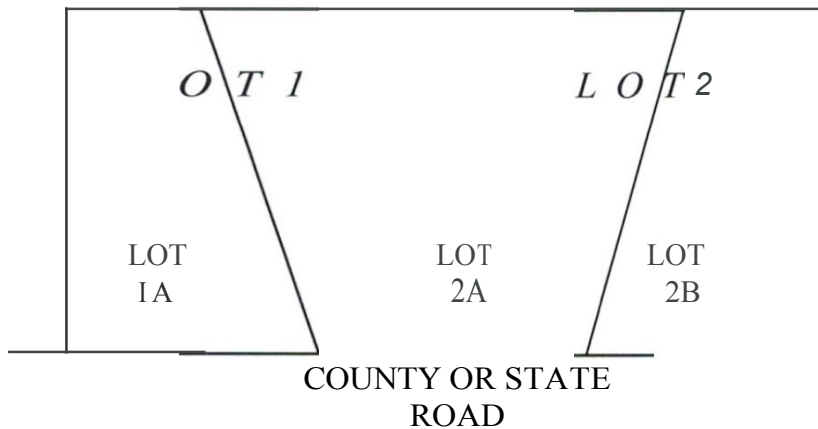
If Mr. Burke subdivides his property solely for the purpose of adding additional land to Mr. Abbott" existing lot or parcel, then a Subdivision Plat is not required .

However, a *SURVEY PLAT* must be submitted to the Planning Commission for approval and must be prepared in accordance with Section 1-9 of the Ordinance. Prior to recordation in the Circuit Court, the Chairperson of the Planning Commission shall have signed the Survey Plat to certify that the Planning Commission did rightfully approve the Survey Plat.

**RESUBDIVISIONS**

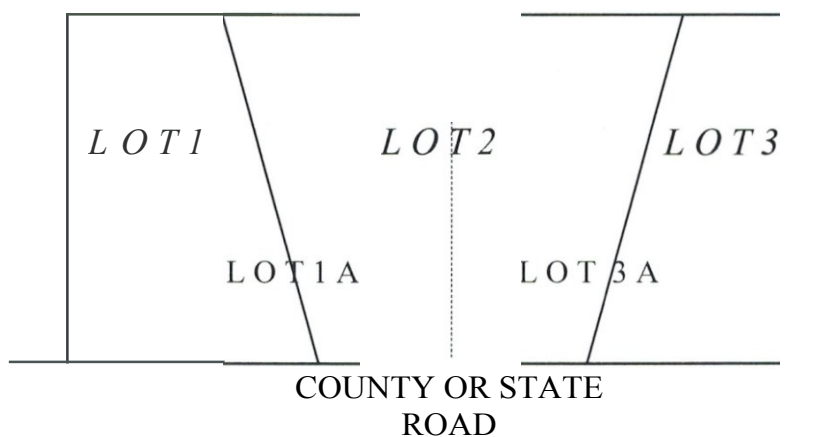
When resubdividing or combining lots in recorded subdivisions, letters rather than numbers should be used to indicate lots whose boundary and area have been affected. The numerical sequence should remain intact to avoid confusion in the future.

**Adding a Lot:**



This resubdivision could also have been labeled Lots 1 A, 1 B and 2A.

**Subtracting a Lot:**



This resubdivision could also have been labeled Lots, 1 A and 2A or Lots 2A 3A

- (1) A plat shall be submitted to the Planning Commission which:
  - (a) Shows the lot or parcel to be subdivided, including a boundary survey by authorized surveyor and size of the parcel to be added to adjoining lands.
  - (b) Shows the lot or parcel to which the addition is being made.
  - (c) To the extent necessary as determined by the Planning Commission , complies with the required information, style and form for a final subdivision plat, including environmental health approval.
  - (d) A note on the plat shall state:

"This subdivision is made solely for the purpose of adding the parcel shown herein as \_\_\_\_\_ to the adjoining lands of \_\_\_\_\_ as recorded in \_\_\_\_ (land records) \_\_\_\_\_.

Said parcel does not constitute a separate building lot and may not be transferred separately from said adjoining lands. Any future subdivision of said parcel or building development shall be submitted for approval in accordance with the Zoning Ordinance and Subdivision Regulations in effect at that time."

- (2) The approved plat shall be recorded with the Clerk of the Circuit Court of Cecil County.

#### **Section 1-10 Penalties for Violation.**

- (1) Whoever , being the owner or agent of the owner of any land located within the jurisdiction of this Ordinance, transfers or sells any land by reference to or exhibition of or by other use of a plat of a subdivision, before the plat has been approved and recorded , or filed in the office of the Clerk of the Circuit Court of Cecil County, shall forfeit and pay a civil penalty of not less than \$500.00 and not more than \$3,000.00 in the discretion of the Court, for each lot or parcel so transferred or sold; and the description of the lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from the penalties or from the remedies herein provided . The Town of Port Deposit may enjoin the transfer or sale by action for injunction brought in any court of equity jurisdiction or may recover the penalty by civil action in any court of competent jurisdiction.
- (2) Every act or omission in violation of this Ordinance shall be punishable as provided in this Section. Where such an act or omission is of a continuing nature, each and every day during which such act or omission continues shall be deemed a separate violation.
- (3) The person(s) violating this Ordinance shall be liable for the Town of Port Deposit's

attorney fees and court costs, if found in violation by the court(s) of jurisdiction or if the person(s) violating the Ordinance so agrees.

### **Section 1-11 Fees.**

- (1) Fees shall be paid by the Subdivider at the time of filing for preliminary or minor subdivision plat approval for the following:
  - (a) Minor or Major Subdivision: per proposed lot of record.
  - (b) For subdivision which also require site plan approval an additional fee shall be assessed.
  - (c) Per plat for modification, alterations, resubdivision deletions or corrections.
- (2) The Town Commissioners shall be resolution establish the fees and modify the fees from time to time as they deem necessary.

### **Section 1-12 Modifications of this Ordinance.**

Where the planning Commission finds that because of unusual circumstances of shape, physical surroundings, topography or other physical features or conditions of the proposes subdivision, or because of the nature of adjacent developments, extraordinary hardship may result from strict compliance with this Ordinance; there may be granted a modification of this Ordinance when requested by the Subdivider. The Planning Commission shall not approve any modification unless it makes findings based on the evidence presented to it in each specific case that:

- (1) The granting of the modification will not be detrimental to the public safety, health, or welfare or injurious to other property.
- (2) The conditions upon which the request for a modification is based are unique to the property for which the modification is sought, facilitate superior and beneficial design features, and are not applicable generally to other property.
- (3) The modifications will not conflict with the provisions of the Zoning Ordinance, or Comprehensive Plan.
- (4) The granting of the modification will not adversely affect water quality or adversely impact fish, wildlife, or plant habitat within the Critical Area or conflict with any requirements or provisions of the Critical Area Program.
- (5) The granting of the modification will not bestow upon the applicant a benefit not enjoyed by other similarly regulated properties.

### **Section 1-13 Appeals.**

Any person aggrieved by the action of the Planning Commission pursuant to this Ordinance may appeal directly to the Circuit Court of Cecil County.

### **Section 1-14 Amendments.**

- (1) The Town Commissioners may, from time to time, adopt amendments to this Ordinance.
- (2) The Planning Commission shall hold a public hearing on any proposed amendment prior to submitting its recommendation to the Town Commissioners. The time, place and date of the hearing, together with a brief synopsis of the proposed amendment, shall be published in at least one ( 1) newspaper of general circulation in the Town of Port Deposit once each week for two (2) successive weeks prior to the hearing.
- (3) Upon receipt of the recommendation of the Planning Commission, the Town Commissioners shall hold a public hearing. Notice of the hearing shall comply with the requirements of Article 25, Section 3(r), Annotated Code of Maryland.

## **ARTICLE II - DEFINITIONS.**

### **Section 11-1 Definitions - General.**

The following rules shall apply to this Ordinance:

- (1) The particular shall control the general.
- (2) The word "shall" is mandatory .
- (3) Words used in the present tense shall include the future; words used in the singular number include the plural ; and words in the plural number include the singular.
- (4) The word "building" or "structure" includes the other and any part thereof.
- (5) The word "person" includes an individual , a corporation, a partnership , an incorporated association, or any similar entity.
- (6) Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions, provisions , or events connected by the conjunction "and" or "either . . . or," the conjunction shall be interpreted as follows:
  - (a) "And " indicates that all the connected items, conditions, provisiOns , or events shall apply.
  - (b) "Or" indicates that the connected items, conditions, provisions , or events may apply separately or in any combination.
  - (c) "Either . . .or" indicates that the connected items, conditions, provisions ,or events shall apply separately but not in combination.
- (7) The word "includes" shall not limit a term to the specified examples but is intended to extend its meaning to all other instances or circumstances of like kind or characteristics.

- (8) All terms defined in the Town of Port Deposit Zoning Ordinance shall have the same meaning in this Ordinance unless specifically defined in this Ordinance.
- (9) Words and terms not defined herein shall be interpreted in accordance with their normal dictionary meaning.

### **Section 11-2 Definitions - Specific.**

As used in this Ordinance, the following terms shall be defined as follows:

**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.

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

**Block** - An area of land containing one or more lots and bounded by streets providing access to such lot or lots.

**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 depth to include certain sensitive areas as per requirements established in the Zoning Ordinance.

**Building Development** - The improvement of land by the addition thereof of structures for residential, commercial or industrial uses.

**Building Restriction Line** - A line determined by the minimum front, side and rear yard requirements of the Zoning Ordinance for the district in which the lot is located, beyond which the foundation walls, enclosed porch, vestibule or other enclosed portion of a building or structure shall not project.

**Closed Section Construction** - A road whose pavement is bounded by a raised curb, and where runoff is channeled along the face of the curb to a storm drain or other outlet.

**Cluster Development** - A development approach in which building lots and dwelling units are sited closer together in groups or clusters, provided that total development density does not exceed that which could be constructed on the site under the Zoning Ordinance and conventional zoning design techniques. The additional land that remains is usually utilized in less intensive ways such as common open space and vegetated lands, as passive recreation areas, as porous paving and as stormwater infiltration areas.

**Community Piers** - Means 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.

**Community Sewerage Facilities** - Any system, whether publicly or privately owned, serving two (2) or more individual lots, for the collection and disposal of sewerage or industrial wastes of a liquid nature, including various devices for the treatment of such sewerage and industrial wastes.

**Community Water Supply Facilities** - A source of water and a distribution system, including treatment and storage facilities, whether publicly or privately owned, serving two (2) or more individual lots.

**Comprehensive Plan** - The Comprehensive Plan, Town of Port Deposit, Maryland. A document consisting of written and mapped information adopted by the Town Commissioners, and intended to guide the physical development of the Town, including all changes and additions thereto made under the provisions of Article 66B Annotated Code of Maryland.

**Conservative Easement** - Means 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.

**County** - Cecil County, Maryland.

**County Commissioners** - The County Commissioners of Cecil County, Maryland.

**County Road** - A road for which the easement for use or title is vested with the County Commissioners by grant, condemnation or dedication, and for which the County Commissioners or Road Board have accepted maintenance responsibility.

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

**Developer** - See Subdivider.

**Double Frontage Lot** - A lot extending through the block from one road to another.

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

**Easement** - A strip of land for which a limited right has been granted for one or more specific purposes , but not including fee simple title to the land.

**Entrance Pipe** - A drainage pipe or culvert placed in a roadside drainage ditch parallel to the road for the purpose of allowing access to a lot without disrupting drainage flow.

**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.

**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.

**Floodplain** - An area of relatively flat or low land adjoining a river or water body which is subject to partial or complete inundation . The boundaries of the floodplain shall be determined by that area with one chance in one-hundred, or a one (1%) percent chance, of being flooded in any given year as defined by the Federal Emergency Management Agency.

**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 Critical Area 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** -

- (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 Mayor and Council, 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 0-1 Critical Area Overlay District to another land management classification which allows an increase in the permitted density.

**Habitat Protection Areas** - All Threatened and Endangered Species, Species in Need of Conservation, Plant and Wildlife Habitats, Non-Tidal Wetlands, the Buffer, and Anadromous Fish Propagation Waters as designated in the Port Deposit Critical Area Program.

**Health Office, County** - The Environmental Health Officer for Cecil County or other authorized representative.

**Highly Erodible Soils** - Soils with a slope greater than fifteen (15%) percent; or those soils with a K value greater than 0.35 with slopes greater than five (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.

**Major and Minor Subdivision** - See Section I-6.

**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 or Insignificant Impacts** -

- (a) Any land disturbance that will affect less than five thousand (5,000) square feet of land not located in a habitat protection area identified in the Port

Deposit Critical Area Program ; or

- (b) Any land disturbance within the Buffer that will affect less than five hundred (500) square feet of land area, provided that such disturbance does not occur in a nontidal wetland, a plant and wildlife habitat or a threatened - or - endangered species or species in need of conservation habitat as identified in the Port Deposit Critical Area Program.

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

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

**Non-tidal Wetlands** - Those in the Critical Area (excluding tidal wetlands regulated under Title 9 of Natural Resources Article, Annotated Code of Maryland) 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 predominately hydrophytic vegetation; and/or
- (b) The substrate is predominately undrained hydric soils.

**Offsets** - Structures or actions that compensate for undesirable impacts.

**One Hundred (100) Year Flood** - A flood that has one (1) chance in one hundred (100) years or a one (1%) percent chance of being equaled or exceeded in any given year.

**Open Section Construction** - A road where the pavement is bounded by a sloped shoulder, and where runoff is directed to an open ditch paralleling the pavement surface.

**Open Space** - Land and water areas retained for use as active or passive recreation areas and or those areas maintained in their natural state and protected by a conservation easement or other protective measure.

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

**Original Lot or Parcel** - A lot, tract or parcel of land existing by deed or plat description in the Land Records of Cecil County on or prior to August 7, 1977.

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

**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.

**Panhandle Lot** - A polygonal shaped lot with the appearance of a "frying pan" or "flag with staff" in which the handle is used as the point of access to a road. Panhandle lots are frequently used to allow access to interior lots without the construction of public roads. Also Flag or Pipestem Lots.

**Paved Road** - A road covered with either a rigid or flexible pavement such as bituminous surface treatment, asphalt concrete or portland cement concrete.

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

**Planning Commission** - The Port Deposit Planning Commission.

**Plant and Wildlife Habitat** - Included colonial water bird nesting sites, historic waterfowl staging areas, riparian forests, forest interior dwelling birds habitats and Natural Heritage Areas as defined in the Port Deposit Critical Area Program.

**Plats** - Categories of plats include:

- (a) **Sketch Plat** - A sketch indicating the Subdivider's general objectives and desires in regard to the future development of his land.
- (b) **Preliminary Plat** - The preliminary drawings and supplementary material indicating the proposed layout of the Major Subdivision to be submitted to the Planning Commission for its consideration.
- (c) **Final Plat** - The final map, drawing or chart upon which the Subdivider's plan of subdivision is presented to the Planning Commission for approval, and which, if approved, will be submitted and recorded with the Clerk of the Circuit Court of Cecil County.
- (d) **Minor Subdivision Plat** - The final plat, for subdivisions from one (1) to four (4) lots, upon which the Subdivider's plat of subdivision is presented to the Planning Commission for approval, and which, if approved, will be recorded with the Clerk of the Circuit Court of Cecil County.

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

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

**Reservation** - The assignment of land by a Subdivider for a specified use, to be held by him for that use and no other to a future time.

**Resubdivision** - A further division or modification of an existing subdivision properly recorded in the Land Records of Cecil County after August 7, 1977.

**Right-of-Way** - A strip of land designated for the use of a street, highway, driveway, alley or walkway, or for any drainage or public utility purpose or other similar use.

**Road** - A way for vehicular traffic which provides primary access to abutting properties. Roads may be classified as follows:

- (a) **Major Arterial Road** - The major thoroughfares of Maryland which serve the regional area or a road intended to carry large volumes (Average daily traffic of one thousand (1,000) or more vehicles per day).
- (b) **Arterial Road** - Segments of the County or Town roads system which carry moderate traffic and act as feeders to State highways or Major Arterial Roads, and all roads in subdivisions which provide access, or may in the future provide access, to fifty (50) or more lots.
- (c) **Collector Roads** - Segments of the County or Town roads system which carry light traffic, and serve primarily local traffic, and all roads in subdivisions which provide access, or in the future may provide access, to less than fifty (50) lots.
- (d) **Cul-de-Sac Road** - A short road having but one end open for vehicular traffic, the other being permanently terminated by a turnaround for vehicles.

**Roads Board** - The County Roads Board for Cecil County.

**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 along shore 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, man-made lagoons for activities that require frequent interchange between boats and land.

**Sidewalk** - A paved walk for pedestrian traffic only placed generally parallel to a road and within the road right-of-way .

**Species in need of conservation** - Fish and wildlife whose continued existence as a part of the State's resources are in question and that may be designated by regulation by the Secretary of the Department of Natural Resources pursuant to the requirements of Natural Resources Article 10-A-03 and 4-2A-03 , Annotated Code of Maryland.

**Steep Slopes** - Means slopes of fifteen (15%) percent or greater incline.

**Street** - See Road.

**Subdivider** - An individual, partnership or corporation (or agent thereof) that undertakes the responsibility for any or all of the activities covered by this Ordinance, particularly the design and submission of a subdivision or development plan or plat showing the layout of the land and the public improvements involved therein. Inasmuch as the subdivision plat is a necessary means to the end of assuring a satisfactory development , the term "Subdivider" is intended to include the term "developer ," even through the personnel or entity involved in successive stages of the project may vary.

**Subdivision** - See Section I-6.

**Technical Advisory Committee** - A Committee organized by Cecil County to provide advisory review and comments on subdivision and other development proposals in the County. The Committee is advisory in nature and is a service provided to applicants as a means to obtain technical and preliminary advice.

**Tidal Wetlands** - 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 are 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.

**Town** - Town of Port Deposit, Maryland.

**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 Port Deposit.

**Unpaved Road** - A road lacking a rigid or flexible pavement such as found on a paved road, and generally surfaced with dirt, sand, shell or gravel.

**Walkway** - As distinguished from a sidewalk which is incorporated in a road right-of-way, a walkway is a pedestrian right-of-way usually extending from a street into a block or across a block to another street.

**Water-Dependent Facilities** - Structures or works associated with industrial, maritime, recreational, educational, or fisheries activities which the Town of Port Deposit 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.

**Zoning Administrator** - A person designated by the Town Commissioners to administer and enforce the provisions of this Ordinance and the Zoning Ordinance, and to carry out duties as specified in this Ordinance.

## **ARTICLE III MINOR SUBDIVISIONS.**

### **Section 111-1 Filing and Review Procedures.**

The following procedures are established for the filing and review of Minor Subdivisions:

- (1) No preliminary plat shall be required for Minor Subdivisions. The Subdivider may proceed directly with the preparation and submission of a Minor Subdivision Plat.
- (2) The filing and review of a Minor Subdivision Plat shall follow, to the extent practical, the provisions referenced in Section IV-3 Final Plat.
- (3) The Subdivider may, at his or her discretion, submit a Sketch Plat of a Minor Subdivision in accordance with the intent and procedures of Section IV-1 Sketch Plat.

## **ARTICLE IV MAJOR SUBDIVISIONS.**

### **Section IV-1 Sketch Plat.**

- (1) The intent of a Sketch plat is to allow a Subdivider a means to tentatively determine the feasibility of a concept proposal prior to incurring extensive costs for surveying and engineering.
- (2) The filing of a Sketch Plat to the Planning Commission is not required. However, the Subdivider is encouraged to do so, especially for a large or complicated subdivision.
- (3) The Subdivider is encouraged to submit a Sketch Plat for comments from or to

schedule preliminary discussions with appropriate intergovernmental review agencies at an early stage in project planning.

- (4) The Sketch Plat will be reviewed with regard to the following:
  - (a) General suitability of the site for the type, size and location of development proposed.
  - (b) General suitability of the design with regard to topography, drainage, soils, natural features and surrounding land use.
  - (c) General conformity with the Town's Comprehensive Plan, Land Use Ordinances, Subdivision Regulations and Critical Area Program.
  - (d) Interior road configuration.
  - (e) Method and suitability of access.
  - (f) Type of water and sewerage service.
  - (g) Land planning techniques.
- (5) The Subdivider shall also show, on the sketch plan of the property in question, the Critical Area boundary line and classifications on parcels created, and identify any Habitat Protection Areas that may be applicable. When applicable, the Subdivider shall also show all forests and developed woodlands and the location and extent of existing and/or proposed erosion control measures.
- (6) The Sketch Plat shall be clean and legible and contain sufficient information which will allow the Plat to be reviewed according to the items referenced in paragraph 4, above.
- (7) Comments made during review of the Sketch Plat shall not infer approval, compliance or other status on the plat.

#### **Section IV-2 Preliminary Plat.**

##### **A. Filing and Review Procedure.**

The following procedures are established for the filing and review of Preliminary Plats:

- (1) The Subdivider shall prepare and submit a Preliminary Plat of the proposed subdivision to the Town's Planning Commission.
- (2) At least twenty (20) copies of the Preliminary Plat shall be filed with the Town's Zoning administrator at least six (6) weeks prior to the regularly scheduled meeting of the Planning Commission at which consideration of the plat is desired.
- (3) A copy of the proposed deed restrictions shall be submitted with the Preliminary Plat.
- (4) After receipt of the Preliminary Plat, the Zoning Administrator will review the

Plat with regard to general conformity with the Town's Comprehensive Plan, Zoning Ordinance, Subdivision Regulations and Critical Area Program. The Zoning Administrator will coordinate immediately with the Planning Commission Chairperson to determine if the Plat should be distributed to appropriate intergovernmental agencies for their review. The Subdivider may be encouraged to incorporate any review recommended changes to the plat and resubmit copies of the amended plat to the Zoning Administrator at least one week before the Planning Commission meeting at which it is to be presented. Incomplete plats or those lacking the required information shall be returned to the Subdivider for completion and subsequent resubmission.

- (5) The representatives of intergovernmental review agencies may submit written comments and recommendations to the Zoning Administrator for consideration by the Planning Commission.
- (6) Following its presentation by the Subdivider, the Planning Commission may either approve, approve with conditions or modifications, or disapprove the Preliminary Plat. The Planning Commission may also table the plat for consideration at a subsequent meeting if there is a lack of information or if substantial changes are necessary to make the plat acceptable to the Commission.
- (7) Upon approval, the Chairperson of the Planning Commission shall sign two (2) copies of the Preliminary Plat, one of which shall be returned to the Subdivider and the other which shall be retained by the Zoning Administrator. Any modifications or conditions of approval shall be recorded in the Minutes of the Planning Commission and attached to the signed Plats.
- (8) Preliminary Plat approval shall be valid for two (2) years from the date of approval. Preliminary Plat approval may be extended by the Planning Commission for additional periods of one (1) year each, only where at least one (1) Final Plat of the Section of the whole has been approved and recorded, where the Subdivider has demonstrated a good faith effort to complete the development in a timely manner.
- (9) If the Planning Commission disapproves the Preliminary Plat, it shall set forth the reasons for disapproval in its Minutes.
- (10) A disapproved or voided Preliminary Plat has no status and any further submission shall be treated as a new application.
- (11) The Zoning Administrator may mail by first-class postage a notice of the Planning Commission meeting at which the Preliminary Plat is scheduled for review to all owners of property adjoining the proposed subdivision. Notice may be mailed at least five (5) days prior to the scheduled meeting using the most current name and address for property owners from the Maryland Department of Assessments and Taxation.

**B. Required Information, Style and Form.**

The following shall be required information, style and form for Preliminary Plats:

- (1) Preliminary Plats may be submitted on paper prints . All prints shall be clean and legible.
- (2) Preliminary Plats shall be twenty-four (24") by thirty-six (36") inches in size.
- (3) When more than one (1) sheet is required , an index sheet shall be included which shows the entire subdivision and the portions of the subdivision to be found on each separate sheet. All required information and certificates shall be shown on each sheet.
- (4) Vicinity Map indicating the location of the subdivision with respect to nearby towns, roads, streams and other major features. Scale shall be no smaller than one (1") inch equals one (1) mile.
- (5) Title Block - shall appear in the lower right-hand corner of the plat and shall include:
  - (a) Subdivision name, section and lot numbers.
  - (b) Scale of the plat. Scale shall be no smaller than one ( 1") inch equals one-hundred (100') feet.
  - (c) Location by Election District, County and State.
  - (d) Names and addresses of the owners on record and/or the Subdivider.
  - (e) Date of the plat and all revisions.
- (6) Names of adjoining property owners with liber and folio. If the property adjoins a recorded subdivision, indicate its name, recording reference and lot numbers.
- (7) Northpoint. Indicate if true or magnetic north.
- (8) Boundary of the area to be subdivided in heavy outline, with distances of courses to hundredths of a foot and bearings to an accuracy of one (1) second. Boundaries are to be determined by accurate field survey.
- (9) Curve data, including the bearings and the lengths of all arcs, radii, tangents, deflections angles, chords, and distances in tabular form.
- (10) If the Preliminary Plat does not include all of the contiguous land owned by the Subdivider, the Planning Commission may require the Subdivider to submit a general plan of the ultimate development for the entire property , or for as much of it as the Planning Commission deems necessary for an adequate review. The ultimate plan of development shall be submitted in the form of a Sketch Plat.
- (11) Zoning district classification of the property and adjoining properties.
- (12) All existing natural or man-made features that may influence the design of the subdivision, including but not limited to roads, trees measuring greater than twelve (12") inches in diameter, wooded areas, electric and telephone poles or lines, buildings, parking areas, structures, water bodies or courses, threatened or

endangered species habitat , species in need of conservation , wetlands , floodplains, hydric and highly erodible soils, slopes fifteen (15%) percent or greater, drainage facilities, water and sewerage facilities.

- (13) Existing topography at two (2') foot contour intervals, referenced to USGS datum. Contour lines shall extend one-hundred (100') feet beyond the subdivision boundary. Datum shall be stated and a reference or bench mark described on the plat together with elevations. Source of contours (field run, aerial, etc.) shall be stated on the plat. Interpolation of contours from USGS Quadrangle Maps is not acceptable. If topography is proposed to be more than marginally altered, proposed topography should be included.
- (14) Location, dimensions and purpose of all existing or proposed easements, right-of-ways or Public Drainage Association ditches.
- (15) Locations, width and name of all existing or proposed roads within or abutting the subdivision.
- (16) Reference to Maryland State Grid Coordinate System, if reference points are available within a reasonable distance.
- (17) If any portion of the subdivision is located in the 100-year flood plain as shown on the most recent Flood Insurance Rate Maps, the flood plain boundary and 100-year base flood elevation shall be determined and precisely delineated on the plat.
- (18) Layout of all existing and proposed lots. Indicate building restriction lines and lot number, area in acres and thousandths , dimensions in feet and hundredths, bearings to a minimum accuracy of one (1) second, and label building restriction lines (dashed).
- (19) Location , dimensions and area of all property which will be reserved or dedicated for common use by residents of the subdivision or the general public. A written statement must be submitted to the Planning Commission explaining the provisions or conditions of the proposed reservation or conveyance and the proposed arrangements for ownership and maintenance.
- (20) Indicate location of water and sewage service to each lot. Indicate the number of gallons per day for each unit of use and give overall totals .
- (21) Accurate location of any municipal corporate limit or election district line traversing or closely related to the tract.
- (22) Tabulation showing the following:
  - (a) A breakdown and total of the types and number of lots to be recorded.
  - (b) A breakdown by area of types of lots and total area of lots to be recorded .
  - (c) Total area of roadways and other lands to be dedicated.
  - (d) Total area of subdivision to be recorded.

(23) The Plat shall show the following information for development in the Critical Area Overlay District ("O"):

- (a) Location of the Critical Area Overlay District Boundary and applicable land management classification, the Buffer and other buffer areas, open space areas, forested areas and landscaping (plan shall show all areas to be maintained as landscaping and the type of plantings to be provided and the means by which such landscaping will be permanently maintained shall be specified);
- (b) Location of all Habitat Protection Areas on site and adjacent to the site;
- (c) Location of all contiguous forested areas adjacent to the site;
- (d) Location of tidal and non-tidal wetlands on the site;
- (e) Location of existing water-dependent facilities on and adjacent to the site, including the number of existing slips and moorings on the site;
- (f) The location and extent of existing and/or proposed erosion abatement approaches;
- (g) Known locations of the habitat of any threatened or endangered species or species in need of conservation on or adjacent to the site, or within *Y-i* mile of the site in the case of bald eagle habitats;
- (h) 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;
- (i) Location, description and amount of existing and proposed impervious surface;
- (j) Computation of the amount of acres and the number of lots in the Critical Area.

C. Critical Area Supplemental Requirements.

As necessary, the Preliminary Plat shall include the following in accordance with the Town's Critical Area Program when the Subdivision is proposed in the Critical Area.

- (1) A Planting Plan for reforested and afforested areas and Forest Management Plan with the comments of the Bay Forester ;
- (2) A Habitat Protection Plan including the comments of the Maryland Resource Conservation Service, the Maryland Heritage Program, and the Water Resources Division;
- (3) A preliminary Stormwater Management Plan;
- (4) A preliminary Sediment and Erosion Control Plan;
- (5) A Shore Erosion Protection Plan - complete specification for proposed shore erosion work ;

- (6) An Environmental Assessment Report which provides a coherent statement of how the proposed development addresses the goals and objectives of the Town of Port Deposit Chesapeake Bay Critical Area Program. At a minimum the Environmental Assessment shall include:
  - (a) 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.;
  - (b) 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;
  - (c) A discussion of the proposed development's impacts on water quality; and
  - (d) Documentation of all correspondence and findings.

#### **Section IV-3 Final Plat.**

##### **A. Filing and Review Procedure.**

The following procedures are established for the filing and review of Final Plats:

- (1) In the case of Minor Subdivision or after approval of the Preliminary Plat for Major Subdivision, the Subdivider may proceed with the preparation and submission of a Final Plat.
- (2) The Final Plat may include all of the property covered by the Preliminary Plat, or may be limited to any section thereof that is intended to be developed as a unit.
- (3) At least twenty (20) copies of the Final Plat shall be filed with the Zoning Administrator at least four (4) weeks prior to the regularly scheduled meeting of the Planning Commission at which consideration of the plat is desired.
- (4) The Final Plat shall be accompanied by the Improvement Plans as required by Section IV-3 (C) and the guarantees for construction of improvements as required by Section IV-3 (D) of this Ordinance. The Planning Commission may not review the Final Plat until all appropriate improvement plans and guarantees for construction have been reviewed by appropriate intergovernmental agencies.
- (5) At the request of the Subdivider or Planning Commission, the Zoning Administrator will distribute copies of the Final Plat and appropriate Improvement Plans to appropriate review agencies. An applicant should submit the Final Plat at least twenty (20) days prior to the regularly scheduled Planning Commission meeting at which action is expected.
- (6) The Final Plat shall substantially conform to the Preliminary Plat as approved. A significant deviation from the approved Preliminary Plat shall be considered as a new

Preliminary Plat submission.

- (7) If all subdivision regulations have been complied with, the Planning Commission shall approve, approve with modifications or conditions, or deny the Final Plat within thirty (30) days after submission unless the applicant consents to an extension of this time period. The Planning Commission may also table the plat for consideration at a subsequent meeting if there is a lack of information or if substantial changes are necessary to make the plat acceptable to the Commission. If approval is denied, the Planning Commission shall set forth the reasons for disapproval in its minutes.
- (8) After approval of the Final Plat by the Planning Commission, the Subdivider shall submit at least five (5) copies of the Final Plat on linen or mylar of good quality or other comparable material, and at least ten (10) paper prints to the Zoning Administrator for signatures and recording.
- (9) The Chairperson of the Planning Commission shall be empowered to sign the Final Plat when satisfactory review indicates that it meets all requirements of this Ordinance and that all conditions for approval by the Planning Commission have been met.
- (10) Prior to the signing of the Final Plat by the Chairperson of the Planning Commission, the following approvals should be indicated:
  - (a) The Zoning Administrator should affix his or her signature certifying that the Final Plat meets the requirements of this Ordinance and the Port Deposit Zoning Ordinance, and that the guarantees for construction of improvements as required by Section IV-3 (D) have been executed.
  - (b) The County Public Works Engineer should affix his or her signature certifying that all required Public Improvement Plans meet the current Cecil County Design Standards and Specifications, except as noted.
  - (c) The County Health Officer or other authority should affix his or her signature certifying that the Final Plat meets all requirements for water supply and sewerage and conforms with the requirements of the Cecil County Comprehensive Water and Sewerage Plan.
- (11) Upon receipt of all necessary signatures, the Zoning Administrator shall record the Final Plat with the Clerk of the Circuit Court. Recording fees shall be paid by the Subdivider.
- (12) The Zoning Administrator shall return one signed copy of the Final Plat to the Subdivider and may distribute copies to applicable agencies.
- (13) Approval of the Final Plat by the Planning Commission, and the affixing of signatures by the respective officials, shall not be deemed to constitute or effect an acceptance by the Commissioners of the Town of Port Deposit of any public improvements, way, space or easements shown on said plat. However, the showing of such improvements, ways, spaces or easements shall be deemed to be an offer of dedication which may be accepted through any subsequent appropriate act.

- (14) Final Plats shall conform in all respects to the requirements of the Real Property Article, Section 3-108, Annotated Code of Maryland.

B. Required Information, Style and Form.

Final Plats for Minor and Major Subdivisions shall include all information and certificates required for Preliminary Plats under Section IV-2(B) and (C) of this Ordinance, as required by the Planning Commission, plus the following:

- (1) Signature blocks for the Chairperson of the Planning Commission, Zoning Administrator, County Engineer, County Health Officer and other officials designated by the Planning Commission.
- (2) A notarized certification and dedication by the Owner(s) of the property using wording as specified by the Planning Commission.
- (3) Location and description of all monuments and markers as required by Section V-8 of this Ordinance.
- (4) No distances on the plat shall be marked "more or less," except on lines which begin, terminate, or bound on a marsh, stream, or any body of water.
- (5) Surveyor's certificate using wording as specified by the Planning Commission. The surveyor's seal shall be affixed to the plat.
- (6) Incorporate the following for submission of Final Plat of Critical Area Subdivision:
  - (a) Total area of the subdivision or parcels to be recorded in the Critical Area District and the Critical Area Classification.
  - (b) Total number of lots in the Critical Area District.
  - (c) Residential density in the Critical Area District.
  - (d) For subdivisions in the Critical Area, accurate outlines (metes and bounds, where required) of any common or reserved areas or portions of lots to be maintained by covenant, easement, or similar approved instrument, in permanent forest cover, including existing forested areas, reforested areas, and afforested areas.
  - (e) For subdivisions in the Critical Area, accurate outlines (metes and bounds, where required) of any areas to be maintained as permanent wildlife and plant habitat protection areas.
  - (f) Total area of impervious surface and total area of temporary and permanent disturbance of water, vegetated and natural areas.

C. Improvement Plans.

- (1) The Subdivider shall prepare and submit all drawings, plans and specifications required to complete the construction of roads, pedestrian walks, drainage, water supply, sewerage and other required improvements, which shall collectively be known as the Improvements Plans.

- (2) At least seven (7) copies of the Improvement Plans shall be filed with the Zoning Administrator.
- (3) The Subdivider shall submit with the Improvement Plans an estimate of all quantities and costs, including contingent items, related to constructing all required improvements.
- (4) The Subdivider shall furnish any design data and computations as required by the reviewing agencies, in accordance with the form and procedures established by the applicable agency.
- (5) Improvement Plans shall be signed and sealed by registered professionals licensed in the State of Maryland as follows:
  - (a) Road, community water and sewerage, and Stormwater Management, other engineering plans - Engineer.
  - (b) Grading and sediment control plans - Engineer or Landscape Architect.
  - (c) Survey drawings and plats - Registered Land Surveyor.
- (6) Following approval, the Subdivider shall furnish the Zoning Administrator with at least seven (7) sets of the Final Improvement Plans for distribution to the reviewing agencies. (See sample checklist in appendix)

D. Guarantees for Construction of Required Improvements.

- (1) Prior to the signing of the Final Plat by the Chairperson of the Planning Commission, all required improvements in the area covered by the Final Plat shall have been completed, inspected and accepted in accordance with Section IV-3 (E) of this Ordinance, or the Subdivider shall have furnished and the Town Commissioners shall have accepted one of the following guarantees to secure at typical value the construction and installation of all required improvements:
  - (a) A surety Bond.
  - (b) Placement of funds in escrow with an escrow agent satisfactory to the Town Commissioners, together with an agreement governing the release of funds from escrow.
  - (c) An irrevocable letter of credit.
- (2) The amount of the guarantee shall be based on the sum of the contracts entered into by the Subdivider for the completion of all required improvements, or the Town Commissioners estimate if contracts have not been executed, plus a minimum contingency of fifteen (15%) percent. The Town Commissioners may contact governmental agencies and technical experts for advice.
- (3) Generally, the Subdivider shall be required to complete all required improvements within twenty-four (24) months from the date of Final Plat approval. The time of year and construction season length shall be considered in setting the completion date. An extension may be granted by the Town

Commissioners only upon a showing of good faith effort by the Subdivider to complete the improvements within the specified time period.

- (4) No guarantee shall be accepted by the Town Commissioners for construction of required improvements in additional sections of a subdivision if the required improvements in any previous section are not complete and the time limit for completion has expired. (See sample forms in appendix)

E. Inspection and Acceptance of Required Improvements.

- (1) Roads, streets, pedestrian walks, drainage and other requisite improvements - An on-site inspection may be made by appropriate County officials, the Town Commissioners, the Zoning Administrator, the Soil Conservation District representative, and others as authorized by the Town Commissioners who may make a written report to the Town Commissioners indicating whether the required improvements have been satisfactorily installed. The Town Commissioners may adopt a Resolution accepting the improvements for Town ownership and maintenance, and may authorize the release to the Subdivider of the guarantee or remaining escrow funds.
- (2) Electric and telephone utilities - The Subdivider shall provide a letter to the Town Commissioners from the appropriate electric or telephone company indicating that the required utilities have been satisfactorily installed.
- (3) Community water and sewerage facilities - If the Planning Commission has required dedication of community water and/or sewerage facilities to a public operating agency, the Subdivider shall provide a letter of acceptance from the appropriate agency or the Town Commissioners. (See sample forms in appendix)

## **ARTICLE V - REQUIRED IMPROVEMENTS.**

### **Section V-1 Improvements - General.**

- (1) The provisions of the Article shall apply to Minor and Major Subdivisions.
- (2) All improvements shall conform to the standards, specifications and all other requirements contained in the Cecil County Design Standards and Specifications or otherwise adopted by the Town Commissioners of Port Deposit, or as by such other agency as may have jurisdiction over each facility. Any deviation from the required standards and specifications shall be fully detailed and approved by the applicable agency.
- (3) All required improvements shall be deemed to have been offered for dedication to public ownership. However, the offer of dedication of any such facility shall not be accepted without inspection and formal written resolution by the appropriate agency or body.

### **Section V-2 Roads.**

- (1) The Subdivider shall provide for right-of-way and access easements and for the

construction of street improvements , drainage facilities, and sidewalks if necessary , in accordance to the extent feasible with the requirements of the Cecil County Road Code. The developer shall be required to repair damage to Town or County roads, drainage facilities, curbs, gutters and sidewalks as a result of grading or construction activities in the developer 's subdivision. If the proposed road involves a highway under the jurisdiction of the State Highway Administration , it shall be the responsibility of the developer/owner to obtain all necessary permits from the agency.

- (2) Within the Critical Area roads or streets serving development shall be located to avoid disturbance to Habitat Protection Areas. When no alternative exists and such infrastructure must cross or be located in Habitat Protection Area, the developer shall be required to demonstrate how impacts to habitats have been minimized and that no feasible alternative location of such infrastructure exists.

### **Section V-3 Sidewalks.**

- (1) Unless specifically exempted by the Planning Commission because the Commission determines that other pedestrian features suffice or because a modification is granted in accordance with Section I-12 - (Modifications), sidewalks shall be required where:
  - (a) Any lot is smaller than twenty thousand (20,000) square feet in area; or
  - (b) Two-family or multi-family residential development is proposed ; or
  - (c) Commercial or industrial development is proposed ; or
  - (d) Sidewalks are desirable because of the character of the neighborhood to continue sidewalks that are existing or proposed in adjoining subdivisions; or to provide pedestrian access to community facilities, schools, shopping and recreation areas.

### **Section V-4 Drainage Facilities.**

- (1) Every Subdivision shall be provided with a positive drainage system adequate to collect and dispose of all water originating on or flowing across the property without inundating or damaging roads, lots or other property.
- (2) The Subdivider shall demonstrate that adequate drainage outlets exists, or shall be responsible for providing such outlets.
- (3) Where any lots front on a State, County or Town road or an Open Section Construction subdivision road, and the Planning Commission deems as entrance pip is necessary for adequate drainage, the Subdivider shall install an entrance pipe for each lot, or shall pay to the Cecil County Roads Agency prior to Final Plat approval, the Agency 's current cost to install such entrance pipes. The Subdivider or lot purchaser may subsequently request the agency to install the entrance pipes so paid for at any time without further charge.

### **Section V-5 Grading and Sediment Control.**

- (1) As required by the Cecil County Grading and Sediment Control Ordinance, grading

and sediment control plans shall be approved prior to the start of any grading, excavation, fill, or other construction activities integral to the development of the subdivision, including roads, drainage ditches, sediment basins, and buildings.

**Section V-6 Water Supply and Sewerage Facilities.**

- (1) All subdivision lots shall provide for public water supply and sewerage services and facilities.
- (2) Utility easements shall be reserved in all locations necessary for the future installation of public facilities.

**Section V-7 Electric and Telephone Utilities.**

- (1) Every subdivision lot shall be provided with underground electric and telephone facilities, to be installed at the Subdivider's cost.

**Section V-8 Critical Area Improvements.**

- (1) All subdivision lots shall provide for plantings, buffers and other improvements stipulated in the Forest Management, Habitat Protection and other Plans required to meet the provisions of the Town's Chesapeake Bay Critical Area Program.

**Section V-9 Monuments and Markers.**

- (1) Monuments shall be placed at all lot corners; points of curvature, intersection or tangency; angle breaks; and any other points as may be necessary to identify the location of boundaries.
- (2) Monuments at lot corners adjoining a road shall be stone or concrete at least twenty (20") inches in length. Monuments at other points may be either stone or concrete, or steel bars or iron pipes at least five-eighths (5/ 8") inches in diameter and eighteen (18") inches long.
- (3) The placement of all monuments shall comply with the requirements of Section 3-108, Real Property Article, Annotated Code of Maryland.
- (4) Monuments shall be placed only by a registered land surveyor.
- (5) All monuments shall be guaranteed as provided under Section IV-3D of this Ordinance. However, monuments shall be placed prior to acceptance of roads. No lot shall be transferred or sold until after all monuments defining the lot have been placed.

**ARTICLE VI SUBDIVISION DESIGN STANDARDS.**

**Section VI-1 Comprehensive Plan and Land Use Ordinances.**

- (1) All subdivisions shall conform with the standards, intent and purpose of the Comprehensive Plan of the Town of Port Deposit and with the Town of Port Deposit's Floodplain, Forest Conservation, and Zoning Ordinances; Subdivisions Regulations; and Critical Area Program.

## **Section VI-2 General.**

(1) The subdivision design shall take advantage of the site's unique features such as its location, access, topography, soils, wooded areas, water bodies, and its relationship to adjoining subdivisions and land uses, both proposed and existing.

## **Section VI-3 Road Layout.**

- (1) Adequate vehicular and pedestrian access shall be provided to all lots. Access and construction should conform to the extent feasible to the Cecil County Road Code.
- (2) The subdivision road system shall be designed to moderate through traffic and to discourage excessive speed on collector roads.
- (3) Where appropriate to design, subdivision roads shall be continuous in alignment and grade with existing, planned, or platted roads with which they are to connect.
- (4) Appropriate road right-of-way alignments shall be created and extended to the boundary lines of the subdivision to allow for future connection to development on adjacent properties, unless the Planning Commission determines that such extension is not feasible or necessary because of other right-of-way access or because of topography or other physical conditions.
- (5) The proposed use of cul-de-sac roads shall not be encouraged and their use should be avoided or minimized to the extent practical. Cul-de-sac roads should not exceed eight hundred (800') feet in length. The Planning Commission may approve cul-de-sac roads of greater length only where it determines that the topography, size or shape of the parcel makes a through or loop road impractical. Other dead-end streets are prohibited except to permit future extensions to adjoining tracts, in which case temporary turnarounds shall be provided.
- (6) Road design shall, to the maximum extent practical, reserve natural features such as trees, water bodies and slopes.
- (7) Pedestrian-vehicular conflict points shall be minimized.
- (8) Roads shall be suitably located, of sufficient width, and adequately improved to accommodate the prospective traffic and afford access to police, school buses, fire trucks and road maintenance equipment.
- (9) Road names shall be subject to approval by the Planning Commission. Names shall not duplicate nor closely resemble existing County or Town road names unless authorized by the Planning Commission because of special circumstances.

## **Section VI-4 Access Control.**

- (1) Subdivisions abutting major arterial roads or state highways shall be designed to minimize the number of entrances or access points. All proposed uses shall take direct access only to interior residential or collector streets wherever practical. Subdivision proposals shall incorporate these design features and seek to minimize interference with traffic and accident hazard.
- (2) Methods of access control shall depend on topography and other physical conditions on the site, the character or existing and proposed development in the area, and the

nature of the adjoining road or highway , but may include:

- (a) Parallel interior roads.
  - (b) A series of loop or cul-de-sac roads.
  - (c) Frontage roads.
- (3) Where applicable, roadway right-of-ways to adjacent properties shall be provided in order to allow for potential through road accommodations and access.

#### **Section VI-5 Block Size and Shape.**

- (1) The maximum block length shall be eighteen hundred (1,800') feet. In the design of blocks longer than one thousand (1,000') feet, special consideration shall be given to the provisions of pedestrian interior walkways near the center, or wherever most useful to facilitate pedestrian circulation.
- (2) Residential blocks shall be of sufficient depth to accommodate two (2) tiers of lots, except where bordering a controlled access road of highway, floodplain, marsh, water body or property line, or where otherwise consistent with good site planning and proper land use.

#### **Section VI-6 Lot Size and Shape.**

- (1) The relation of the depth of any lot to its width at the building restriction line, should not be greater than three (3) to one (1). Flag, pipestem , or panhandle lots may not be allowed and are not encouraged. Lot sizes for lots using individual wells shall comply to minimum requirements of State Law.
- (2) Side lot lines shall be at right angles or radial to road lines, unless a variation from this rule will give a better road or lot plan as determined by the Planning Commission.
- (3) Lot size and dimensions shall not include any part of a road, pedestrian walkway or reserved space. Easements shall be included within the lot.

#### **Section VI-7 Recreation and Open Space.**

- (1) The Planning Commission may require the dedication or reservation of reasonable recreational or open space areas based on the character of the site or the surrounding area, or the nature of the proposed development.
- (2) All common recreational or open space areas may be offered for public dedication . The Subdivider shall make arrangements for the maintenance of reserved areas until such time as the dedication is formally accepted. If the dedication has not been accepted prior to the construction of forty (40%) percent of the development , title to the reserved area shall be vested in name of the Homeowners Association or similar organization, or if none exist, shall continue to be the responsibility of the Subdivider.

#### **Section VI-8 Floodplain Development and Natural Resources Protection.**

(1) All subdivisions shall comply with the applicable provisions of the Town's Floodplain Ordinance.

- (2) Proposed subdivision designs shall identify sensitive natural areas and shall consider measures to protect and minimize disturbance and damage to these areas. Sensitive natural areas include: streams, waterways and wetlands; threatened and endangered wildlife habitats; floodplains; steep slopes; woodlands; and highly erodible and permeable soils. To the extent practical, sensitive natural areas shall be placed in open space areas.
- (3) Proposed subdivisions shall consider designs that conserve resources and reduce energy consumption.
- (4) New subdivisions shall be designed to comply with the tree and forested areas protection provisions of the current Maryland Forest Conservation Act and the Town's Forest Conservation Ordinance.

#### **Section VI-9 Critical Area Standards.**

The following Design Standards shall apply to all subdivision of land located within the Town of Port Deposit's Chesapeake Bay Critical Area.

- (1) Where a tract of land bordering tidal water, tidal wetlands, or tributary streams in the Critical Area is to be subdivided and a Buffer exemption has not been granted, a Buffer yard of at least one hundred (100') feet shall be established in natural vegetation (except areas of the Buffer which are planted in vegetation where necessary to protect, stabilize, or enhance the shoreline). No development, including septic systems, impervious surfaces, parking areas, roads, or structures, are permitted in the Buffer. However, approved development or expansion of a water-dependent facilities, as defined in the Town of Port Deposit Zoning Ordinance, are excepted from these Buffer provisions.
- (2) If the lot ownership extends to the water, wetlands, or streambed then the Buffer shall be included in the required setback distance for building on that lot, except in the case of water dependent facilities. Where the Buffer is to be owned and maintained by a Homeowners or similar appropriate organization, the required setback distance shall be measured from the property line separating that lot from the designated Buffer. This Buffer, when not included in the lots, may be included in the calculating gross density.
- (3) The Buffer will be expanded to include contiguous sensitive areas. This expansion will occur whenever new land development or other land disturbing activities, such as clearing natural vegetation for agriculture or mining, are proposed. The expanded Buffer must be shown on plans required for such development or activities. Sensitive areas are defined as follows: 1) Hydric soils and soils with hydric properties as designated by the Soil Conservation Service; 2) highly erodible soils with a K value greater than .35 and slopes greater than 5%; and 3) steep slopes greater than 15%. The Buffer shall be expanded according to the following rules:
  - (a) When the site of the proposed land disturbance drains to a slope greater than fifteen (15%) percent contiguous to the Buffer, the Buffer shall be expanded

four (4') feet for every percent of slope or to the top of slope, whichever is greater.

- (b) The Buffer shall be expanded from one hundred (100') feet to the upland limit of adjacent soils, soils with hydric properties, and erodible soils, whose development or disturbance may impact streams, wetlands, or other aquatic environments.
- (4) All subdivisions in the Port Deposit Critical Area shall be subject to the Habitat Protection criteria and guidelines prescribed in the Town of Port Deposit Critical Area Program.
- (5) The Subdivider shall be required to identify stormwater management practices appropriate to site development which achieve the following standards:
  - (a) In areas designated as an Intensely Developed Area on the Town of Port Deposit Official Critical Area Map the Subdivider shall demonstrate that the best management practices for stormwater assure a ten (10%) percent reduction of pre-development pollutant loadings (see Stormwater Management Ordinance for computation methodology). If these practices do not reduce pollutant loadings by at least ten (10%) percent below the level of pollution on the site prior to development, then offsets as determined by the Planning Commission shall be provided that produce pollutant loadings equivalent to at least ten (10%) percent below the predevelopment levels;
  - (b) The Subdivider shall delineate those site areas not proposed to be covered by impervious surfaces. These areas shall be maintained or established in vegetation. Where vegetation is not proposed the developer shall demonstrate why plantings for such portions of the site are impracticable. Types of planting and vegetation proposed shall be in accordance with guidelines established as part of the Port Deposit Critical Area Program.
  - (c) The Subdivider shall be designated to assure those features or resources identified as Habitat Protection Areas are afforded protection as prescribed in the Habitat Protection Element of the Town of Port Deposit Critical Area Program.
- (6) In LDA's and RCA's roads and utilities serving lots shall be located to avoid disturbance to Habitat Protection areas. When no alternative exists and such infrastructure must cross or be located in Habitat Protection Area the developer shall demonstrate how impacts to Habitats have been minimized and that no feasible alternative location for such infrastructure exists.
- (7) In LDA's and RCA's all roads, bridges, lots or other development which cross or are located adjacent to tributary streams in the Critical Area shall:
  - (a) Designed in a manner to prevent increases in flood frequency and severity.
  - (b) Provide for the retention of natural streambed substrate.
  - (c) Minimize adverse impacts to water quality and stormwater runoff.

- (d) Retain existing tree canopy in the Buffer adjacent to tributary streams.
- (8) Lots and open space areas shall be located and designed to the extent practical to provide for maintenance of existing site wildlife and plant habitats and continuity with those on adjacent sites. Existing wildlife corridors shall be identified on proposed development plats. When wildlife corridors exist or are proposed they shall include any existing Habitat Protection Areas and connect large forested areas on or adjacent to the site.
- (9) Impervious surfaces in subdivisions located in Limited Development Area (LDA) of the Town of Port Deposit Critical Area shall be limited in accordance with the provisions specified in the Town's Critical Area Program.
- (10) Development on slopes greater than fifteen (15%) percent shall be prohibited unless such development is demonstrated to be the only effective way to maintain or improve slope stability.
- (11) No clearing or grading is permitted in the Buffer except as provided in the Town's Critical Area Program.
- (12) Land to be subdivided shall be designed and improved in reasonable conformity to existing topography, in order to minimize grading, cut and fill, and to retain, insofar as possible, the natural contours, minimize stormwater run-off and conserve the natural cover and soil. No soil, sand or gravel shall be removed from any lots shown on any subdivision plat, except in accordance with the provisions of the approved Sediment Control Plan.
- (13) Subdivision and development in the Town of Port Deposit Critical Area are encouraged to increase natural vegetation on the development site.
- (14) Subdivisions located in Limited Development Areas (LDA's) and Resource Conservation Areas (RCA's) are required to meet the following minimum standards for forest and developed woodlands. Forest and developed woodlands as defined by the Town of Port Deposit Critical Area Program shall be created or protected in accordance with the following:
- (1) When no forest exists on the site, at least fifteen (15%) percent of the gross site area shall be afforested. The location of the afforested area should be designed to reinforce protection to site habitats or provide connections between forested areas when they are present on adjacent sites.
- (2) When forests or developed woodland exists on the site and proposed development requires the cutting or clearing of trees, areas proposed for clearing shall be identified on the proposed development plan. The developer shall submit plans for development and areas to be cleared to the Maryland Resource Conservation Service for comments and recommendations and shall transmit comments to the Town of Port Deposit Planning and Zoning office. A grading permit shall be issued prior to any clearing or cutting associated with proposed development. In addition, cutting or clearing which is associated with development shall be subject to the following limits and

replacement conditions:

- (a) All forests cleared or developed shall be replaced on not less than an equal area basis either on the site or on another site approved by the Planning Commission except that if clearing on a fully forested lot is limited to a development pad of ten thousand (10,000) square feet or less and cleared areas are reforested to the extent possible, the forest shall be considered a developed woodland and no replacement required.
- (b) No more than twenty (20%) percent of the forested or developed woodland within the site proposed for development may be removed (except as provided in (c) below) and the remaining eighty (80%) percent shall be maintained as forest cover through the use of appropriate instruments (e.g., recorded restrictive covenants). Removal of forest or developed woodland cover in the Buffer is prohibited.
- (c) Clearing of forest or developed woodlands up to twenty (20%) percent shall be replaces on an area basis of one (1) to one (1). A developer may propose clearing up to thirty (30%) percent of the forest or development woodland on a site, but the trees removed in excess of twenty (20%) percent must be replaced at the rate of one and one-half (1.5) times the amount removed either on the site or on another site approved by the Planning Commission.
- (d) If more than thirty (30%) percent of the forest on a site is cleared, the forest is required to be replanted at three (3) times the total areal extent of the cleared forest.
- (e) All reforestation and/or afforestation shall be included in a planting plan.
- (f) Forest which have been cleared before obtaining a grading permit shall be replanted at three (3) times the areal extent of the cleared forest.

## **ARTICLE VII ADEQUATE FACILITIES.**

### **Section VII-1 General.**

- (1) Unless specifically indicated otherwise, the provisions of this Article shall apply to all subdivisions and site plans.
- (2) The Planning Commission shall review all subdivisions to determine whether existing or planned public facilities are adequate to serve the needs of the subdivision. If the Planning Commission determines that public facilities are not adequate, it may deny Preliminary Plat approval or may condition the Preliminary Plat approval on a requirement that adequate public facilities be available prior to Final Plat approval.
- (3) Public facilities which may be considered by the Planning Commission under this

Article include, but shall not be limited to : roads, drainage, schools, police, fire and emergency services, solid waste collection and disposal, and water supply and sewerage.

#### **Section VII-2 Roads.**

- (1) All subdivisions shall have access from a town or county road, or state highway adequate to meet existing and projected traffic loads. Off-site road access shall not be hazardous or unsafe by virtue of inadequate sight distances, width, vertical alignment, horizontal alignment, drainage, surfacing, grades or cross section.
- (2) Where access is from an unpaved or otherwise inadequate road, no Final Plat shall be approved unless and until one of the following is met:
  - (a) The road is paved or improved or is programmed by the responsible public agency for paving or improvement during the next year's construction program; or
  - (b) The developer has elected to place funds in an escrow account to assist in the paving or improvement of the road. The amount of the Subdivider's contribution shall be determined by the appropriate public roads agency, with consideration to the estimate of the construction costs, the existing average daily traffic count on the road, the estimated traffic volume to be generated by the subdivision upon full development, and the location of the subdivision with respect to other segments of the roads system.

#### **Section VII-3 Drainage.**

- (1) All subdivisions shall have a drainage outlet adequate in size and grade to efficiently remove stormwater and provide drainage for roads and all lots.
- (2) The County Engineer may advise the Planning Commission as to whether an adequate drainage outlet exists.

#### **Section VII-4 Schools.**

- (1) Schools serving the area in which the subdivision is located shall have adequate capacity to meet the educational needs of the residents of the subdivision.
- (2) The Cecil County Board of Education shall be consulted regarding the adequacy of school facilities.

#### **Section VII-5 Police, Fire Protection and Emergency Services.**

- (1) Police, fire protection and emergency services and facilities for the area in which the subdivision is located shall be adequate to protect the lives and property of the residents of the subdivision.
- (2) Where it deems necessary, the Planning Commission shall request an evaluation from the appropriate authority as to the adequacy of the fire protection and emergency services and facilities.

#### **Section VII-6 Solid Waste.**

- (1) Solid waste collection facilities serving the area in which the subdivision is located

shall be adequate to handle the additional waste generated by the residents of the subdivision.

- (2) If solid waste collection facilities are determined to be inadequate, the Planning Commission may require the Subdivider to provide the necessary facilities, or to arrange for private collection services.

#### **Section VII-7 Water Supply and Sewerage.**

- (1) Public water supply and sewerage services for the area in which the subdivision is located shall be adequate and available to handle the additional usage generated by the subdivision.
- (2) Since public water supply and sewerage capacities are limited and difficult to expand, the Planning Commission shall allocate, existing excess capacities in accordance with the Town's policies, interests and priorities. The Planning Commission shall request an evaluation and recommendation from the appropriate authorities as to the adequacy and availability of public water and sewer services.

### **ARTICLE VIII-1 OTHER DIVISIONS OF PROPERTY.**

#### **Section VIII-1 Commercial and Industrial Subdivisions.**

The subdivision of land for commercial or industrial development shall be submitted in the same manner and contain the same information, style, format and standards as required for residential development.

#### **Section VIII-2 Rental Occupancy Developments.**

In residential, commercial or industrial developments designed and used exclusively for rental occupancy under single ownership, responsibility for roads and other required improvements may be retained by the owner. However, such improvements shall meet to the extent practical the minimum requirements of the current Cecil County Design Standards and Specifications.

#### **Section VIII-3 Condominiums.**

In condominium development, the developer shall submit the necessary Preliminary Plat and Final Plat in accordance with the requirements of these Subdivision Regulations, the Town's Zoning Ordinance and the Condominium Act of the Real Property Article of the Annotated Code of Maryland. In addition, the provisions of all laws, ordinances and regulations concerning building codes or zoning shall have full force and effect to the extent that they apply to property which is subjected to a condominium regime and shall be construed and applied with reference to the overall nature and use of the property without regard to form of ownership. Fees assessed by the Town on a per unit basis shall not be preempted.

## **APPENDIX**

### **SUBDIVISION**

A - I	Preliminary Plat Checklist	A - 1
	Final Plat Checklist	A - 3
	Distribution of Plats	A - 4
A - II	Owner's Dedication	A - 5
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	Surveyor's Certificate	A - 7
A - III	Performance Bond Form	A - 8
	Cash Escrow Agreement	A - 9
	Irrevocable Letter of Credit	A - 10
	Conveyance of Roads	A - 11
	Development Expense Agreement	A - 12

SUBDIVISION NAME

SUBDIVISION OWNER

PRELIMINARY PLAT CHECKLIST Appendix A-1						
			YES	NO	COMMENTS	
I.	1.	Application completed and submitted to Zoning Administrator.				
	2.	Twenty (20) copies of the Plat filed with the Zoning Administrator.				
	3.	Deed restrictions, covenants, etc., submitted with plats.				
	4.	Overall Development Plan submitted, if required .				
	5.	Subdivision Plat Review fee paid.				
	6.	Development Expense Agreement				
II.	I.	Prints are clean and legible.				
	2.	Proper Size - 24" x 36"				
	3.	Index Sheet included, if necessary.				
	4.	Certificates on each sheet, as appropriate.				
	5.	Vicinity Map, Scale: 1 " = 1 mile or greater.				
	6.	Title Block Information:				
		A.	Subdivision name, section and lot numbers.			
		B.	Scale of plat, 1 " = 100' or greater.			
		C.	Location by Election District, County and State.			
		D.	Names and addresses of the owners of record and/or the Subdivider.			
		E.	Date of the plat and all revisions.			
	7.	Names of adjoining reference and lot numbers of adjoining recorded subdivision, if applicable.				
	8.	Name, recording reference and lot numbers of adjoining recorded subdivision, if applicable.				
	9.	Northpoint.				
	10.	Boundary of subdivision shown in heavy outline.				
	11.	Distance of courses to hundredths of a foot.				
12.	Bearings accurate to one (1 ) second.					
13.	Curve data in tabular form .					
14.	Zoning District.					
15.	All significant natural or man-made features indicated.					
16.	Topography at two (2) foot contour intervals.					

	17.	Contour lines extended one hundred (100) feet beyond subdivision boundary.			
	18.	Location, dimensions, and purpose of all existing or proposed easements, right-of-ways, or PDA ditches.			
	19.	Locations, widths and name of all existing or proposed roads within or abutting the subdivision.			
	20.	Reference to Maryland State Grid Coordinate System, if applicable.			
	21.	One hundred (100) year floodplain boundary and base flood elevations, if applicable.			
	22.	Layout of all existing and proposed lots:			
	A.	Lot numbers.			
	B.	Areas in acres and thousandths.			
	C.	Dimensions in feet.			
	D.	Bearings to one (1) second accuracy, as required.			
	E.	Building restriction lines.			
	23.	Locations, dimensions and areas of all property reserved for public use, is applicable.			
	24.	Written statement explaining arrangement for use, ownership and maintenance of all property reserved for public use, if applicable.			
	25.	Water and sewerage service for each lot.			
	26.	Location of any municipal or corporate limit or election district line close to or crossing the tract.			
	27.	Tabulation showing the following:			
	A.	A breakdown and total of types and number of lots and the area for each.			
	B.	Total area of roadways and other lands to be dedicated.			
	C.	Total area of subdivision to be recorded.			
	28.	Critical Area location information such as buffer, wetlands, wildlife habitat, forested areas, etc.			
	29.	Critical Area preliminary improvement and protection plans and environmental assessment report.			

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SUBDIVISION NAME

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SUBDIVISION OWNER

FINAL PLAT CHECKLIST Appendix A-3					
Final Plat shall include all items as approved by the Planning Commission for the Preliminary Plat plus the following:					
			YES	NO	COMMENTS
I.	1.	Application for Final Plat approval completed and submitted to the Zoning Administrator.			
	2.	Twenty (20) copies of the Final Plat filed with the Zoning Administrator.			
	3.	Seven (7) copies of the Improvement Plans submitted.			
	4.	Guarantees for construction of improvements submitted.			
II.	1.	Signature Blocks for:			
	A.	Chairperson of the Planning Commission.			
	B.	Zoning Administrator.			
	C.	County Engineer.			
	D.	County Health Officer.			
	E.	Others, if required.			
	2.	Notarized owners' certification and dedication.			
	3.	Location and description of all monuments as required.			
	4.	No distances marked "more or less".			
	5.	Surveyor's certificate and seal.			
	6.	Critical Area Information.			

**DISTRIBUTION OF PLATS – Appendix A-4****I. Subdivision Plats****A. Preliminary Plats (for review):****COPIES DISTRIBUTE TO:****COMMENTS**

1 Zoning Administrator  
 1 County Boards/Engineer  
 1 County Health Department  
 1 County Public Works Director  
 1 Soil Conservation District  
 1 State Forester  
 1 CBCA Circuit Rider Maryland Office of Planning  
 1 SHA Resident Maintenance Engineer , if a plicable  
 1 Others, as authorized by the Planning Commission

**B. Final Plats and Improvement Plans (for review)****COPIES DISTRIBUTE TO:****COMMENTS**

2 Zoning Administrator  
 1 County Roads/Engineer  
 1 County Health Department  
 1 County Public Works Director  
 1 Soil Conservation District  
 1 State Forester  
 1 CBCA Circuit Rider  
 1 Maryland Office of Planning  
 1 SHA Resident Maintenance Engineer , if applicable  
 1 Other, as authorized by the Planning Commission

**C. Final Plats (after approval and signature)****COPIES DISTRIBUTE TO:****COMMENTS***Mylar or Linen Prints*

1 Clerk of the Circuit Court  
 1 Assessment Office  
 1 Zoning Administrator  
 1 Owner or Subdivider

*Paper Prints*

1 County Public Works Department  
 1 County Health Department  
 1 Soil Conservation District  
 1 SHA Resident Maintenance Engineer  
 1 Post Office  
 1 Fire and Emergency Service Agencies  
 1 Others, as authorized by the Planning Commission

**OWNER'S CERTIFICATION AND DEDICATION**

We (I), \_\_\_\_\_ and

\_\_\_\_\_ owner(s) of the property shown and described hereon, consent to and adopt this plan of subdivision and establish the minimum building restriction lines. We hereby dedicate to public use all roads, streets, walkways and open space shown hereon, unless otherwise noted on this plat. We, certify that there are no suits, action of law, leases, liens, mortgages, trusts easements, or right-of-ways affecting this property included in this plan of subdivision, except herein indicated:

and that the requirements of the Annotated Code of Maryland , Real Property Article, Section 3-108, as enacted or amended so far as it may concern the making of this plat and the setting of monuments and markers have been complied with to the best of my (our) knowledge.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature and Title

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature and Title

The Owner(s) have sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

(Seal)

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Commission Expires

**TOWN OF PORT DEPOSIT Certification for Corporation Owner's Dedication – Appendix A-6**

**CERTIFICATION FOR CORPORATION OWNER'S DEDICATION Appendix A-6**

We, \_\_\_\_\_ a \_\_\_\_\_  
Name of Corporation Name of State

Corporation by \_\_\_\_\_, President,

\_\_\_\_\_  
Secretary, owner(s) of the property shown and described hereon, consent to and adopt this plan of subdivision and establish the minimum building restriction lines. We (I), hereby dedicate to public use all roads, streets, walkways and open space shown hereon, unless otherwise noted on this plat. We (I), certify that there are no suits, actions of law, leases, liens, mortgages, trusts, easements, or rights-of-way affecting the property included in this plan of subdivision, except as herein indicated:

and that the requirements of the Annotated Code of Maryland, Real Property Article, Section 3-108, as enacted or amended so far as it may concern the making of this plat and the setting of monuments and markers have been complied with to the best of my (our) knowledge.

Attest: \_\_\_\_\_  
Secretary Date

\_\_\_\_\_  
Name of Corporation

(Corporate Seal)

By: \_\_\_\_\_  
President

**TOWN OF PORT DEPOSIT**

**Surveyor's Certificate**

**Appendix A-7**

**SURVEYOR'S CERTIFICATE**

I hereby certify that the Final Plat shown hereon is correct; that it is a subdivision of (part of or all of) the lands conveyed

from \_\_\_\_\_ deed \_\_\_\_\_, dated \_\_\_\_\_

and recorded in the Land Records of Cecil County in Liber \_\_\_\_\_, Folio \_\_\_\_\_ and that the requirements of the Port Deposit Zoning Ordinance and Subdivision Regulations and the Annotated Code of Maryland, Real Property Article, Section 3-108, as enacted or amended, so far as they may concern the making of this plat and the setting of monuments and markers have been complied with.

(Seal)

\_\_\_\_\_  
Surveyor

\_\_\_\_\_  
Date

**ENVIRONMENTAL HEALTH CERTIFICATE**

This subdivision is approved for interim individual water system and its use is in accordance with the Cecil County Comprehensive Water and Sewerage Plan. The applicant or any future owner must discontinue use of the individual system and connect to the community systems when they become available.

Approved: \_\_\_\_\_ Date: \_\_\_\_\_  
Cecil County Approving Authority

**TOWN OF PORT DEPOSIT  
PERFORMANCE BOND  
Appendix A-8**

**KNOW ALL MEN BY THESE PRESENTS,**

That: \_\_\_\_\_  
(Name of Subdivider) \_\_\_\_\_  
(Address of Subdivider)

Hereinafter called Principal, and \_\_\_\_\_  
(Name of Surety) \_\_\_\_\_  
(Address of Surety)

A corporation incorporated under the laws of the State of \_\_\_\_\_, and authorized to do business in the State of Maryland, hereinafter called Surety, and held and firmly bound unto the Town Council of Port Deposit acting through the Port Deposit Planning Commission in the total aggregate penal sum of \_\_\_\_\_ Dollars (\$ \_\_\_\_\_), in lawful money of the United States of America, for the payment of which sum well and truly to be made, we bind ourselves, our heirs, executors, administrators, assigns and successors, jointly and severally, firmly by these presents.

**WHEREAS**, said Principal hold title to certain property more particularly described in a deed from \_\_\_\_\_ Dated \_\_\_\_\_, 19 \_\_\_\_\_ and recorded in \_\_\_\_\_

Liber \_\_\_\_\_, Folio \_\_\_\_\_, one of the Land Records for Cecil County, Maryland, and

**WHEREAS**, said Principal is desirous of subdividing (part or all) of the above mentioned parcel of land and has submitted a plat for approval by the Planning Commission, and

**WHEREAS** the Planning Commission has tentatively approved the attached final plat prepared by \_\_\_\_\_ (Surveyor) dated \_\_\_\_\_ and titled \_\_\_\_\_

\_\_\_\_\_ and consisting of \_\_\_\_\_ sheets, which plat is incorporated into this Bond as part hereof, such approval being conditioned on the proper execution and acceptance of a cash escrow agreement, performance bond or other guarantee for the completion of all required improvements, and

**WHEREAS**, it is a condition of approval of the final plat that the Principal complete the improvements shown on the final plat or otherwise required by the Port Deposit Subdivision Regulations at its sole cost and expense. Said improvements are more fully described as: (Description of Improvements)

**WHEREAS**, the Principal has entered into contracts for the construction, completion or installation of all required improvements, copies of which are attached hereto and incorporated into this Bond a part hereof:  
(List of contractors, date, subject and amount)

**THE CONDITION OF THIS OBLIGATION** is such that the Principal shall in all respects comply with the minimum standards of design and specifications for construction contained in duly enacted ordinances, resolutions, and regulations of the Town Council of Port Deposit, the Port Deposit Planning Commission, or their agencies, and shall fully meet and faithfully perform his, their or its obligations in completing all of the above described improvements within \_\_\_\_\_ months of the date of the Bond.

**NOW THEREFORE**, Surety shall full indemnify and save harmless the Town Council of Port Deposit, and Port Deposit Planning Commission from all costs and damages which they may suffer directly or damages or expenses which they may incur in completing or having completed any or all of the above described improvements, resulting from the failure of the Principal, his agents, and servants to complete the improvements as required. Surety shall reimburse and repay the Town Council of Port Deposit, and the Port Deposit Planning Commission all outlay and expense which they may incur in making good any default or failure by the Principal, his agents, servants promptly upon receipt of documentation of such outlay or expense. This obligation shall remain in full force and effect until the above described improvements have been approved or accepted pursuant to the provisions of Port Deposit Subdivision Regulations.

**IN WITNESS THEREOF**, this instrument is executed in \_\_\_\_\_ counterparts, each of which shall be deemed an original, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

WITNESS:

\_\_\_\_\_  
Name of Corporation

\_\_\_\_\_  
(SEAL)

\_\_\_\_\_  
As to Principal

\_\_\_\_\_  
As to Surety

\_\_\_\_\_  
Surety Corporate Name

BY: \_\_\_\_\_

(Seal)

**TOWN OF PORT DEPOSIT  
CASH ESCROW AGREEMENT  
Appendix A-9**

**THIS CASH ESCROW AGREEMENT**, Made this \_\_\_\_\_ day of \_\_\_\_\_,

20\_\_\_\_by and between \_\_\_\_\_ hereinafter referred to as "Subdivider" the \_\_\_\_\_, a Maryland lender institution, hereinafter referred to as "Bank" and Town Council of Port Deposit, hereinafter referred to as "Town Council", acting through the Port Deposit Planning Commission, hereinafter referred to as "Planning Commission".

**WHEREAS**, said Subdivider holds title to certain property more particularly described in a deed from \_\_\_\_\_, dated \_\_\_\_\_, 20\_\_\_\_, and recorded in Liber \_\_\_\_\_, Folio \_\_\_\_\_, one of the Land Records for Cecil County, Maryland, and

**WHEREAS**, The Planning Commission has tentatively approved the attached final plat prepared by \_\_\_\_\_, (Surveyor) dated \_\_\_\_\_, 20\_\_\_\_ and titled \_\_\_\_\_, and consisting of \_\_\_\_\_ sheets, which plat is incorporated into this Agreement as a part hereof, such approval being conditioned on the proper execution and acceptance of a cash escrow agreement, performance bond, or other guarantee for the completion of all required improvements, and

**WHEREAS**, the Subdivider has entered into contracts for the construction, completion or installation of all required improvements, copies of which are attached hereto and incorporated into this Agreement as a part hereof.

**NOW THEREFORE** this Agreement, witnesseth, the parties hereto agree to the following conditions of this Agreement, which is hereby established to fulfill the requirements of the Port Deposit Subdivision Regulations:

1. Subdividers agree:

- a. To establish an escrow account in Bank in the amount of \$ \_\_\_\_\_, being the entire cost of making improvements shown on the final plat or otherwise required by the Port Deposit Subdivision Regulations plus an allowance for contingencies. Said improvements are more fully described as:
- b. To design and construct said improvements in accordance with the minimum standards of design and specifications for construction contained in duly enacted ordinances, resolutions and regulations of the Town Council, and the Planning Commission, or their agencies, for improvements in subdivisions.
- c. To use the funds established in said account to make the aforesaid improvements in said subdivision.
- d. To satisfactorily complete all required improvements within \_\_\_\_\_ months of the date of this Agreement.

- e. To make all said required improvements at their sole cost and expense even if said cost and expense exceed the \$\_\_\_\_\_ held in escrow and to be jointly and severally responsible for the cost and expense of said improvements.
- f. To offer dedication of the above mentioned improvements to the Town Council after completion of same.

2. Bank Agrees:

- a. That \$\_\_\_\_\_ has been established in an escrow account for the sole purpose of making the aforesaid improvements in said Subdivision.
- b. Not to disburse any money from said account to Subdividers or any other person until Bank has received written notice from the Town Council or their authorized representative from time to time consenting to the release of any or all of said escrowed funds during the term of this Agreement. Consent by the Town Council to one such release of funds shall not be construed as a consent to any future requests for release of funds. \_\_\_\_\_ is hereby designated as authorized representative of the Town Council for the purpose of this Agreement.

3. Town Council agrees:

- a. To accept this Agreement in lieu of a performance bond or in lieu of the completed improvements required in the Port Deposit Subdivision Regulations.
- b. To have the Town Council or their staff periodically inspect said improvements while under construction and inspect completed improvements within a reasonable time after receiving written notice that improvements have been completed.

- 4. It is mutually understood and agreed by all of the parties hereto that said improvements are not constructed within \_\_\_\_\_ months from the date hereof, the Town Council or the Planning Commission shall have and are hereby granted the right to cause the said improvements to be made and to use the deposit made herewith for payment of all cost and expenses occurred in the construction thereof.

**AS WITNESS** their hand and seals the date first written above.

Subdividers

WITNESS:

\_\_\_\_\_  
(SEAL)

WITNESS:

\_\_\_\_\_  
Port Deposit Town Council

By: \_\_\_\_\_

ATTEST:

By: \_\_\_\_\_ (SEAL)

**TOWN OF PORT DEPOSIT**  
**BANK OF \_\_\_\_\_**  
**IRREVOCABLE LETTER OF CREDIT**

The Town Council of Port Deposit

Gentleman:

Date of This Letter: \_\_\_\_\_  
Bank's Letter of Credit Number: \_\_\_\_\_  
Developer/Charge Account Party: \_\_\_\_\_  
Amount of Credit: \_\_\_\_\_  
Termination Date: \_\_\_\_\_  
Project Name: \_\_\_\_\_  
Planning Office File Number: \_\_\_\_\_  
Subject: \_\_\_\_\_

We hereby establish our irrevocable credit for account of the above Developer in sum not to exceed the above amount, which is stated in United States dollars. The Beneficiary of this Letter of Credit is the Town Council of the Town of Port Deposit (hereinafter "Council"). This credit shall be available by the Council's drafts at sight on us accompanied by a statement of the existence of one (1) or more of the following four (4) circumstances:

1. The Developer has not complied in all respects with the terms and conditions of the Bonding requirement of the Agreement; and/or
2. All persons who have provided labor, services, or materials with respect to the Subject Improvement have not been paid for such work, services or materials, and/or
3. The Town has been subjected to costs, expenses, damages, injury or loss by reason of wrongdoing, misconduct, want of care or skill, negligence, or default upon the part of the Developer or any contractor or other person who provided work, services, or materials, with respect to the Subject Improvement; and/or
4. Developer has requested an extension of time for completion of the Subject Improvement, and this Letter of Credit is not extended for the period of time approved by the Planning Commission.

Drafts must be presented at our office no later than the Termination Date set forth above and must be marked as drawn under this Letter of Credit.

This Letter of Credit sets forth in full the terms of our undertaking; and such undertaking shall not in any way be modified, amended, or amplified by reference to any documents, instruments, or agreements referred to herein or on which this Letter of Credit is referred to or to which this Letter of Credit relates; and any such reference shall not be deemed to incorporate herein by reference any document, instrument, or agreement.

We hereby agree with bona fide holders of drafts drawn under and in compliance with the terms of the Letter of Credit that such drafts will be duly honored upon presentation.

Sincerely,

**TOWN OF PORT DEPOSIT  
DEED TO CONVEY TITLE TO ROADS OR OTHER PUBLIC IMPROVEMENTS**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

to

TOWN COUNCIL OF PORT DEPOSIT  
(a corporation)

RECITALS:

This DEED, made this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by  
\_\_\_\_\_ that for good and valuable consideration  
the said \_\_\_\_\_

Grant unto the Town of Port Deposit, a corporation, all that real property described as:

The said property is more particularly shown on a plat of \_\_\_\_\_  
Subdivision which plat is of record among the land records of Cecil County in Maryland.

TOGETHER with all structures and all other appurtenant property rights and privileges.

TO HAVE AND TO HOLD the described property and appurtenances unto grantee, its heirs, and  
assigns forever.

The grantor(s) covenants that the grantor(s) will warrant specially the property hereby granted,  
that grantor(s) is/are seized of the land hereby granted, that grantor(s) has/have the right to grant the  
land, that grantor(s) has/have done no act to encumber the land, except as stated in the Recitals above,  
that the land is free and clear of all encumbrances except as stated in the Recitals above, and that  
grantor(s) will execute such further assurances of the land as may be requisite.

\_\_\_\_\_  
Witness

\_\_\_\_\_  
(Seal)

\_\_\_\_\_  
Witness

\_\_\_\_\_  
(Seal)

<b>TOWN OF PORT DEPOSIT DEVELOPMENT EXPENSE AGREEMENT</b>
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**THIS AGREEMENT**, made this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_, by and between the Mayor and Council of the Town of Port Deposit (hereinafter referred to as "Town") and \_\_\_\_\_ (herein referred to as "Owner").

**WHEREAS**, the owner wishes to present to the Town for consideration certain plans or plats (hereinafter referred to as "Plans") such as but not limited to site plans, construction plans, utility plans, landscaping and buffer plans, lighting plans, and/or subdivision plans for the proposed project known as \_\_\_\_\_, located at \_\_\_\_\_; on Tax Map \_\_\_\_\_; Parcel(s) \_\_\_\_\_; and Zoned \_\_\_\_\_.

**WHEREAS**, the Town collects an application fee which offsets certain administrative costs; and

**WHEREAS**, the Town incurs additional costs associated with the review/approval process associated with said plans, including but not limited to engineering review fees, legal fees to review plans or issues related to plans, etc; and

**WHEREAS**, the owner has agreed to pay these costs associated with these expenses.

**WHEREFORE**, in consideration of the premises and covenants herein contained, the owner agrees to reimburse the Town for its costs as set forth above. **A deposit of five thousand dollars (\$5,000.00)** is hereby deposited with the Town, the purpose of which is to insure payment of said costs associated with the review/approval process associated with said plans, including but not limited to engineering review fees, legal fees to review plans or issues related to plans, etc; and it is further

**AGREED**, that if the actual costs exceed the amount of the deposit provide to the Town, Owner agrees to pay an additional cost upon presentation of an invoice for the same; and it is further

**AGREED**, that if additional costs are not paid upon presentation of an invoice for the same within five days of the date of the invoice, any further action with regard to said plans shall cease and/or terminate and no further review shall be made; and it is further

**AGREED**, that said deposit shall be deposit in a non-interest bearing account and any excess shall be refunded to the Owner upon the conclusion of the project.

**IN WITNESS WHEREOF**, the parties hereto have set their respective hands and seals to four (4) counter parts of this Agreement, each of which shall constitute an original, the day and year first herein written.

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**Owner/Representative**

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**Town Representative**