

# CECIL COUNTY SUBDIVISION REGULATIONS

Adopted: April 19, 2011

Effective: May 1, 2011

## Cecil County Planning Commission

William Mortimer – Chairman

B. Patrick Doordan – Vice Chairman

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## Board of County Commissioners

James T. Mullin, President

Diana Broomell, Vice President

Michael W. Dunn

Robert J. Hodge

Tari Moore

Alfred C. Wein, Jr.

County Administrator

## RESOLUTION

WHEREAS, Section 5.03(a)(1) of Article 66B of the Annotated Code of Maryland requires the County to have subdivision regulations; and

WHEREAS, the Planning Commission has held public hearings regarding the County's Subdivision Regulations; and

WHEREAS, the Planning Commission has recommended approval of said Subdivision Regulations to the Board of County Commissioners; and

WHEREAS, the Board of County Commissioners has held public hearings regarding the County's Subdivision Regulations; and

WHEREAS, all requirements of Article 66B of the Annotated Code of Maryland have been met in regard to the adoption of Subdivision Regulations;

NOW, THEREFORE, BE IT ENACTED, by the Board of County Commissioners of Cecil County, State of Maryland, that the Cecil County Subdivision Regulations are hereby enacted:

Date:

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James T. Mullin, President

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Diana Broomell, Vice President

ATTEST:

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Michael W. Dunn, Commissioner

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Alfred C. Wein, Jr. – County Administrator

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Robert J. Hodge, Commissioner

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Tari Moore, Commissioner

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## **ARTICLE I – AUTHORITY**

### **Section 1.0 – Legislative Authority**

The Board of County Commissioners of Cecil County is empowered by Article 66B of the Annotated Code of Maryland to adopt subdivision regulations governing the subdivision of land within Cecil County for the health, safety, welfare, and common interest of the citizens of Cecil County. The Planning Commission is empowered by the Subdivision Regulations to have the authority to review and act on subdivision proposals located in the unincorporated area of the County.

### **Section 1.1 – Legislative Intent**

The Subdivision Regulations are adopted for the purpose of promoting the health, safety, welfare, and common interest of the citizens of Cecil County and to enact the goals and objectives of the Cecil County Comprehensive Plan by providing for:

- (a) The orderly, efficient, and integrated development of land.
- (b) The coordination of existing streets and public utilities with new facilities.
- (c) The provision of proper drainage, water supply, sewage, and other improvements found to be necessary.
- (d) The efficient and orderly extension of community facilities and services and the installation of water and sewer and other utility mains, piping, or other facilities.
- (e) Conformance with the Cecil County Comprehensive Plan.
- (f) Adequately provide for sediment and soil erosion control and protect from flooding.
- (g) Provide for the protection of environmentally sensitive areas and adequately control shore erosion.
- (h) Adequately and conveniently locate public school sites and open space.
- (i) Avoid population congestion, set minimum lot widths and areas, and provide for the grading and improvement of streets and other roadways.

### **Section 1.2 - Conflict with other Regulations**

Whenever any provision of these regulations conflict with any other provision of law, whether set forth in these regulations or contained in any restrictions covering any of the same subject matter, that provision which is more restrictive or imposes the higher standard or requirement shall govern.

### **Section 1.3 – Severability**

Whenever it is determined that any word, phrase, clause, sentence, paragraph, section, or part of these regulations, or the application thereof to any person or circumstance is invalid, the remaining provisions and the application of such provisions to other persons and circumstances shall not be affected thereby and the remaining provisions of these regulations shall remain in effect.

## **ARTICLE II – GENERAL PROVISIONS**

### **Section 2.0 – Definitions**

The following definitions apply to the text of these regulations:

- (1) The particular shall control the general.
- (2) In cases of any differences of meaning or implication between the text of these regulations and any caption, illustration, summary table, or illustrative table, the text shall control.
- (3) The word “shall” is mandatory. The word “may” is permissive.
- (4) Words used in the present tense shall include the future; and words used in the singular shall include the plural.
- (5) A “building” or “structure” includes any part thereof.
- (6) The phrase “used for” includes “arranged for,” “designed for,” “intended for,” “maintained for,” or “occupied for.”
- (7) The word person includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
- (8) Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction “and,” “or,” 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.
- (9) The word “includes” shall not limit a term to the specified examples, but is intended to extend its meaning to all other instances and circumstances or like kind or character.
- (10) All terms defined under various sections of the Zoning Ordinance, where occurring in these regulations, shall have the meaning specified in the Zoning Ordinance except where specifically defined in these regulations.
- (11) The word “County” means Cecil County, Maryland. The word “State” means the State of Maryland. The term “County Boundary” means the exterior boundary of the County.
- (12) The terms “County Commissioners,” “Board of Appeals,” “Planning Commission,” “Planning Director,” “Planning Office,” “County Attorney,” “Public Works Department,” “Senior Engineer,” “Building Inspector,” “Roads Inspector,” “Board of Education,” “County Health Officer,” and “District Conservationist,” means the respective council, boards, and offices of the County.
- (13) Throughout these regulations, all words other than the terms specifically defined above and below, shall have the meanings implied by their context in these regulations or their ordinarily accepted definitions.
- (14) The word “He” shall also be read as “She.”
- (15) Activities which fall under the requirements of the Forest Conservation Regulations shall use the definitions contained therein. Definitions of the Forest Conservation Regulations shall take precedence over definitions in the Subdivision Regulations.

## **Definitions – Specific**

As used in these regulations, 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.

*Agricultural Activity* – the exclusive use of land for a bona fide farming operation and occupation by the owner and/or tenant. This includes the use of land for agricultural purposes including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, fish culture, animal and poultry husbandry; provided that the above uses shall not include the business of garbage feeding hogs, fur farms, or the raising of animals for use in medical or other tests or experiments, commercial slaughtering of livestock, poultry, fish or meat processing.

*Anadromous Fish* – a fish that travels upstream from their primary habitat in the ocean to freshwater in order to spawn.

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

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

*Buffer* – a naturally vegetated area or vegetated area established or managed to protect aquatic, wetland shoreline, and terrestrial environments from manmade disturbances.

*Building Development* – the improvement of land by the addition thereto of structures for residential, commercial, institutional, or industrial uses.

*Building Envelope* – the area formed by the front, side, and rear building lines in which the principal buildings must be located.

*Building Setback Line* – a line beyond which the foundation wall and/or any enclosed porch vestibule or other enclosed portion of a building or structure shall not project in accordance with the minimum yard requirements of the zoning district in which the lot is located as established by the Zoning Ordinance. The handle of a panhandle lot shall not be used to determine the location of the building line.

*Cluster Development* – a subdivision using varying lot sizes to group houses while maintaining the same density as a conventional subdivision within a specific zoning district.

*Community Piers* – boat docking facilities associated with subdivisions and similar residential areas, and with condominiums, apartments, and other multi-family dwelling units. Private piers are excluded from this definition.

*Comprehensive Plan* – a composite of written and mapped goals and objectives to guide the development of the County.

*Condominium* – an ownership arrangement, not a land use; therefore it is permitted in any zoning district under the same restrictions as the residential land use it comprises. A condominium shall not negate lot nor other requirements intended to provide adequate light, air, and privacy. A condominium is a dwelling unit which has all of the following characteristics:

- (a) The use (the interior and associated exterior areas designated for private use in the development plan) is owned by the occupant.
- (b) The unit may be any permitted dwelling type.
- (c) All or a portion of the exterior open space and any community interior spaces are owned and maintained in accordance with the condominium act of the State of Maryland and other requirements regarding such open spaces.

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

*Critical Area* – all lands and water 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 tides indicated on the State wetland maps, and all State and private wetlands designated under Title 9 of the Natural Resources Article of the Annotated Code of Maryland.
- (b) All land and water areas within 1,000 feet beyond the landward boundaries of State and private wetlands and the head 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 Critical Area Commission as specified in Section 8-1807 of the Natural Resources Article, Annotated Code of Maryland.

*Critical Area Commission* – the Maryland Chesapeake and Atlantic Coastal Bays Critical Area Commission.

*Crosswalk* – a pedestrian crosswalk affording means of pedestrian travel from one side of a street to the other.

*Declaration of Intent* – a signed and witnessed statement by a landowner or the landowner’s agent certifying that the activity on the landowner’s property:

- (a) Is for certain activities exempted under the Forest Conservation Regulations.
- (b) Does not circumvent the requirements of the Forest Conservation Regulations; and
- (c) Does not conflict with the purpose of any other Declaration of Intent.

*Dedication* – the deliberate setting aside or appropriation of land by its owner for any general and public uses, reserving to himself no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted.

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

*Developer* – an individual, partnership, or corporation (or agent thereof) that undertakes the responsibility for any or all of the activities covered by these regulations, particularly the designing 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 merely a necessary means to the end of assuring a satisfactory development, the term “Developer” is intended to include the term “subdivider” even though the personnel involved in successive stages of development may vary.

*Developed Woodlands* – means areas one acre or more in size that predominantly contain trees and natural vegetation and that also include residential, commercial, institutional, or industrial structures and uses.

*Development* – means the building of structures, storm drainage, roads, and other public improvements.

*Development Activities* – means any construction, modification, extension, or expansion of buildings or structures; placement of fill or dumping; storage of materials; land excavation; land clearing; land improvement; or any combination thereof including the subdivision of land.

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

*Easement Reservation* – a strip of land extending along a property line or across a lot from which an easement has been or is to be granted for a specific purpose or purposes. All easement reservations are to be maintained in perpetuity for intended purposes unless otherwise noted on the record plat.

*Environmental Assessment* – a comprehensive report that describes the natural features and characteristics of a proposed development site, the changes that will occur as the result of proposed development activities on the site, the anticipated environmental impacts and consequences of the



proposed development, and mitigation measures to be taken to minimize undesirable impacts to the environment.

*Exclusion* – an act of the County Commissioners, approved by the Critical Area Commission, that relieves an area of the County from the zoning and subdivision provisions relative to the Critical Area.

*Exemption* – an act of the County Commissioners, approved by the Critical Area Commission, that relieves an area of the County from the buffer provisions of the Critical Area.

*Farm* – a parcel of land greater than ten (10) acres in size on which an agricultural activity as herein defined is being actively conducted for profit.

*Fisheries Activity* – a commercial water dependent fisheries facility including structures for the packing, processing, canning, or freezing of finfish, crustaceans, mollusks, and amphibians and reptiles. Also included are 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* – Any land area susceptible to being inundated by water from any source.

*Forest* – a biological community dominated by trees and other woody plants covering a land area of one acre or more. Included are forests that have been cut but not cleared.

*Forest Conservation Regulations* – regulations adopted by the County Commissioners implementing Natural Resources Article Sections 5-1601 through 5-1613 of the Annotated Code of Maryland.

*Forest Conservation Technical Manual* – the technical manual adopted by the County Commissioners establishing standards of performance required in preparing forest stand delineations and forest conservation plans.

*Forest Management* – the protection, manipulation, and utilization of the forest to provide multiple benefits such as timber harvesting and wildlife habitat.

*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* - the status accorded certain properties and development activities that are of record prior to the date of adoption of these regulations.

*Growth Allocation* – an area of land calculated as five percent of the total Resource Conservation Area (excluding tidal wetlands and federally owned land) that the County may convert to more

intense management area to accommodate land development. The County Commissioners may use this acreage to convert Resource Conservation Area and Limited Development Area properties to Limited Development Areas and Intensely Developed Areas with the approval of the Critical Area Commission.

*Habitat Protection Areas* – include threatened or endangered species habitats, plant and wildlife habitats, species in need of conservation, anadromous fish propagation waters, non-tidal wetlands, and the buffer.

*Health Department Approving Authority* – the secretary of health and mental hygiene or his designee.

*Highly Erodible Soils* – soils with a slope greater than 15 percent or those soils with a K value greater than 0.35 and with slopes greater than 5 percent.

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

*Land Clearing* – any activity that removes the vegetative ground cover.

*Lot* – a parcel, tract, or portion of land separated from other parcels, tracts, or portions by separate description as on a subdivision plat for purpose of sale, lease, transfer of ownership, or separate use.

*Lot Area* – the total area included within the rear, side, and front lot lines excluding any streets.

*Lot Depth* – the mean horizontal distance between the front and rear lot lines of a lot.

*Lot Frontage, Minimum* – the least permissible width of a lot line abutting a street.

*Lot Line, Front* – the lot line or lines abutting a road, except in cases of panhandle lots in which case the handle shall not be counted and the front lot line shall be that line determined to be closest to being the most parallel to the street on which the lot has frontage.

*Lot Line, Rear* – the lot line or lines generally opposite or parallel to the front lot line.

*Lot Line, Side* – any lot line other than a front lot line or a rear lot line.

*Lot Types:* the following terminology is used in these regulations with reference to various types of lots.

*Corner Lot* – a lot located at the intersection of two or more streets.

*Interior Lot* – a lot with only one frontage on a street other than an alley.

*Panhandle Lot* – a polygonal shaped lot with the appearance of a “frying pan” or a “flag and staff” in which the handle is most often used as the point of access to a street or road. The handle is not to be used in the calculation of minimum lot size and it must be of uniform width.

*Through Lot* – a lot, other than a corner lot, with frontage on more than one street other than an alley.

*Lot Width, Minimum* – a building line with the least permissible width of a lot measured at the front building restriction line.

*Manufactured Home* – a transportable structure which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities.

*Manufactured Home Park* - Any site, lot, or parcel maintained or intended for the purpose of supplying a location or accommodation for four or more manufactured homes for living quarters and including all buildings, structures, vehicles, accessories, and appurtenances used or intended as equipment in such a park.

*Marina* – any facility used 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 Subdivision* – a subdivision approved by the Office of Planning & Zoning by which up to a total of five (5) lots may be created from a parcel as it existed on April 15, 1976. For the purpose of these regulations, any remaining land shall be considered a lot.

*Natural Vegetation* – a plant community that develops in the absence of human activities.

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

*Non-Tidal Wetlands* – an area that is inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

*Open Space* – land and water areas retained for use as active or passive recreation.

*Original Parcel* – any lot which was recorded or existed prior to April 15, 1976.

*Owner* – the person, partnership, corporation, company, or other legal entity holding current legal title.

*Pavement* - The portion of a street or walkway surfaced for vehicular or pedestrian movement and constructed according to the Cecil County Road Code. Pavement may be pervious or impervious.

*Planning Commission* – the Cecil County Planning Commission.

*Planning Director* – the chief executive officer of the Office of Planning & Zoning.

*Planning & Zoning, Office of* – a department within Cecil County Government.

*Plats:*

*Concept Plat* – a plat indicating to the Planning Commission the subdivider’s general objectives and desires in regard to the future development of the land.

*Preliminary Plat* – the preliminary drawings and supplementary material indicating the proposed layout of the subdivision.

*Final Plat* – the final plat indicating the location of existing and proposed buildings, structures, paved areas, walkways, vegetative cover, landscaping, within a site proposed for development.

*Preliminary/Final Plat* – the final plat for subdivision of from one (1) to five (5) lots.

*Public* – Open to common use, whether or not public ownership is involved.

*Public Improvements* – any of the following including but not limited to streets, alleys, sidewalks, bridges, crosswalks, water mains, sanitary sewers, stormwater management devices, street trees, street lighting, and street signs.

*Public Works Agreement* – a contract between the developer and the County to complete the necessary improvements in accordance with the approved plans and specifications by a given date. Public works agreements shall be guaranteed by surety such as a bond, letter of credit, cash deposit to an escrow account, or certified check from a bank or other accredited financial institution.

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

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

*Resubdivision* – a further division or modification of an existing subdivision previously approved and recorded in the Land Records of Cecil County. A resubdivision must meet all regulatory requirements in effect at the time resubdivision is proposed.

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

*Shore Erosion Control Measures* – any number of structural and/or nonstructural methods or techniques used to control the erosion of shoreline areas. The term may refer to the following:

a) Structural

*Revetment* – facing laid on a sloping shore to reduce wave energy and contain shore materials.

*Bulkhead* – excluded due to adverse impacts to the near shore marine environment except in special cases where erosion impact is severe and high bluffs and/or dense woodlands preclude land access, bulkheads can be installed by shallow draft barge and pile driver and in narrow manmade lagoons for activities that require frequent interchange between boats and land.

b) Nonstructural - creation of an intertidal marsh fringe channelward of the existing band by one of the following methods:

*Vegetation* – planting an existing shore with a wide band of vegetation.

*Bank sloping/vegetation* – sloping and planting a non-wooded bank to manage tidal water contact, using structures to contain sloping materials if necessary.

*Contained Beach* – filling alongshore with sandy materials, grading, and containing the new beach to eliminate tidal water contact with the bank.

*Sidewalk* – a paved walk for pedestrian traffic only placed generally parallel to a street or highway and within the street right of way.

*Sight Distance* – visual distance along a road or access at intersections.

*Site Plan* – a plan, drawn to scale, showing uses, structures, and required improvements proposed for a parcel of land.

*Steep Slope* - Any slope with a grade of 25 percent or more covering a contiguous area of 10,000 square feet or more shall be considered a steep slope.

*Street* – the term “street,” “road,” or “highway” means a public way for vehicular traffic of such width, design, construction, and specifications as the Cecil County Road Code now requires or might hereafter require. The County’s highways and streets are classified into one of the following:

- a) *Freeway* – an access free high speed road with grade separated interchanges that carries primarily intercounty traffic. It is a specialized highway with one function – to carry traffic via a roadway with controlled access, no parking, and no at grade intersections. Individual property access is prohibited.
- b) *Expressway* – a high speed access free road with at grade intersections. Its primary function is to carry traffic to points within the County. Parking and individual property access are prohibited.
- c) *Major Arterial* – a street with the primary function being to move large volumes of intercounty vehicular traffic. It is intended to provide unity throughout a contiguous area with channelized intersections and no parking. Individual property access is denied.
- d) *Minor Arterial* – a street which is intended as a main feeder street for local traffic. Individual property access is denied.
- e) *Collector* – a street which is intended as a main interior street primarily for local traffic. Its primary function is to conduct traffic from local streets to arterials or expressways. Individual property access is permitted.
- f) *Local* – a street which provides access to abutting properties and which is not conducive to through traffic. Individual property access is permitted.
- g) *Cul de Sac* – a residential street having one end open for vehicular traffic with the other end permanently terminating in a turnaround for vehicles.
- h) *Alley* – a street providing service access for vehicles and pedestrians to the side or rear of abutting properties particularly in townhouse, apartment, commercial, or industrial developments.

*Structure* – a construction extending above grade with a fixed location on the ground, or attached to something with a fixed location on the ground, including but not limited to buildings, walls, carports, towers, tanks, and billboards. A manufactured home, even though it may be moved from time to time, is considered a structure.

*Subdivider* - see “Developer.”

*Subdivision* – the division of a tract of land into two or more lots, building sites, or other divisions for the purpose of sale, transfer, or building development.

*Subdivision agreement* – an agreement between the County and a developer in which the developer agrees to perform required work and install or construct required improvements in a good, timely, and workmanlike manner in accordance with existing laws, regulations, and/or conditions of subdivision approval. A security arrangement (i.e. financial surety) or other collateral to secure the cost of installing or constructing said improvements shall be provided prior to the issuance of building permits for the project. A subdivision agreement shall be prepared by the developer, or at the developer's expense, and be reviewed for legal sufficiency by the County Attorney and select County staff. Following signature by authorized representatives of both the County and the developer, the subdivision agreement shall be recorded in the Land Records of Cecil County.

*Technical Advisory Committee* – the Cecil County Technical Advisory Committee.

*Tidal Wetlands* – all state and private wetlands, marshes, submerged aquatic vegetation, lands, and open waters affected by the daily and periodic rise and fall of the tide within the Chesapeake Bay and its tributaries.

*Tributary Streams* – perennial and intermittent streams in the Critical Area that are so noted on the most recent U.S.G.S. 7.5 minute Quadrangle Maps or on more detailed maps or studies at the discretion of the County.

*Water Dependent Facilities* – structures or works associated with industrial, maritime, recreational, educational, or fisheries activities which Cecil County has determined require location at or near the shoreline within the buffer.

*Yard* – the required open space of a lot outside the building envelope.

## **Section 2.1 – General Requirements for Subdivision**

2.1.1 – In planning and developing a subdivision, the subdivider or his agent shall comply with the general principle of design and minimum requirements for the layout of subdivisions set forth in Article VII, with the regulations concerning improvements as set forth in Article V, and in every case shall observe the procedure as outlined in Article IV.

2.1.2 – Any owner or proprietor of any tract of land located in the territory to which these regulations apply, who subdivides the same for the creation of a minor or major subdivision to be made in accordance with the regulations set forth herein and in Article 66B of the Annotated Code of Maryland, and after securing the approval thereof by the Planning Commission or the Director of Planning &

Zoning, shall cause a copy of such plat to be recorded in the office of the Clerk of the Circuit Court for Cecil County.

2.1.3 – Platting and recording of a subdivision plat under these regulations shall not be required in the following cases:

- (1) For uses as a farm, such land to be used for crops, pasture, or other pursuits normally associated with farming, drainage, or non-residential farm structures.
- (2) Partition of land by will or through action of a court of competent jurisdiction unless or until development of the land is proposed. The partitioned land will be activated as a building lot only upon approval of a plat through the normal subdivision process.
- (3) 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 references to the previously recorded plats.
- (4) 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 right of way or other public utility right of way, provided that if the 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 in accordance with these regulations (Article IV) and recorded.

2.1.4 – If land is subdivided for the purposes listed in Section 2.1.3, then the requirements for platting and recording shall, according to these regulations, be waived provided:

- (1) No public right of way or easement is extinguished.
- (2) No residential structures excepting tenant houses (tenant houses are excepted provided there is no more than one tenant house per 50 acres of farm) are to be placed or built on the acreage, unless subdivided in accordance with the subdivision platting requirements of Article IV.

If no reservation of lots for building purposes is made, then a copy of the deed and a copy of the survey plat showing the location and manner of the transaction shall be all that is required to be submitted to Planning & Zoning for record keeping purposes. Such submission shall be reviewed by Planning & Zoning and if in accordance with the above and applicable zoning ordinance requirements, shall be approved by the Director of Planning & Zoning or his designee. Appeals of the Planning Director's decision shall be taken to the Board of Appeals.



2.1.5 – In the case of the reservation of building lots, such lots shall be platted according to the Subdivision Regulations, the Zoning Ordinance, and the Forest Conservation Regulations.

## **Section 2.2 – Resubdivisions**

Any modification, division, addition, deletion, or correction which is proposed to a previously recorded lot or lots in a subdivision, the owner must file a resubdivision plat to be approved by those agencies normally approving final plats and recorded by the developer together with a notation in the form of a resolution which shall make reference to the original plat and shall be affixed to the resubdivision plat. Changes occurring as a result of highway, road, or street improvements which require additional right of way shall not require a resubdivision plat to be recorded. In cases where two (2) or more lots in the same ownership are effectively utilized so as to virtually eliminate the interior lot lines, such as construction of a permanent structure across lot lines, a resubdivision plat combining the affected lots into one lot will be required. An exception to this will occur when the two lots are under one deed. Any remaining lots shall conform to all existing zoning regulations and, if conveyed shall not effectively create a zoning violation on the remaining lots. If these two conditions cannot be met, the lot or lots involved shall also be included on the resubdivision plat and shall become part of the single parcel thereby created.

## **Section 2.3 – Addition and Subtraction of Lots**

When the owner of a lot or parcel wishes to add additional land to said lot or parcel only, the following requirements apply:

2.3.1 – A survey plat showing the following:

- (1) Boundary survey of additional land.
- (2) The lot or parcel to which the addition is being made.
- (3) The original lot or parcel as required below:
  - a. If five (5) acres or under remains, a boundary survey shall be made.
  - b. If over five (5) acres remain, a deed plotting can be made.
- (4) When applicable, the signature of a registered surveyor certifying it as an accurate survey.
- (5) A signature block for the Planning Director's signature.
- (6) Signature blocks for the Health Department approving authority and the Public Works Director or Senior Engineer.
- (7) A note on the plat stating the following:

“Application is hereby made for your approval of the indicated transfer of land solely for adding to adjoining holdings and not for development. Any future subdivision of this land or building development will be submitted in the regular manner for approval in accordance with the existing Subdivision Regulations.”

(8) A road dedication if applicable.

2.3.2 – No transfer of land shall be approved if the original lot from which the transfer was made causes the lot to be less than the minimum lot size for its zoning district or causes the lot to be in violation of any other applicable zoning or health requirements.

2.3.3 – The Planning Director is empowered to approve land transfers described in this section and such approval shall be noted on the survey plat.

2.3.4 – The approved survey plat shall be recorded in the office of the Clerk of the Circuit Court for Cecil County.

2.3.5 – A declaration of intent must be filed with Planning & Zoning to comply with the Forest Conservation Regulations.

#### **Section 2.4 – Minor Subdivisions**

2.4.1 – The Planning Director has the authority to approve minor subdivisions of land and/or minor adjustments in lot lines without the necessity of the subdivision complying with preliminary plat procedures or going before the Planning Commission. The actual acreage of the minor subdivision lots shall be deducted from the gross acreage of the parcel for each lot created through the minor subdivision process. The deducted acreage shall be included in the density calculation for any major subdivision subsequently proposed on the parcel. As an incentive to discourage the creation of new lots accessing onto existing County roads, the following calculation can be performed. If the remaining minor subdivision lots are created as part of a major subdivision and are served by an internal road, these minor subdivision lots shall be added as a bonus, up to five (5) additional lots if full minor potential exists, to the maximum number of lots yielded by the regular density calculation of the original parcel.

2.4.2 – A property owner shall apply to Planning & Zoning for approval of up to five (5) lots by submitting a combined preliminary/final plat provided the proposed minor subdivision does not involve a new street. The minor subdivision plat application shall be submitted on forms provided and fees shall be paid as indicated in Section 3.7. The minor subdivision plat shall follow all requirements of a normal final plat as provided in Section 4.2. The approved minor subdivision plat shall be recorded in the Land Records of Cecil County. The minor subdivision plat shall also contain the following information:

- (a) Existing topography at two (2) or five (5) foot contour intervals. Contour lines shall be indicated at least fifty (50) feet beyond the subdivision boundary. Contours shall be based on existing

monuments and benchmarks where available, data from the County's geographic information system (GIS), or data from USGS Quadrangle maps. A reference or benchmark shall be described on the plat together with the elevation. The source of contours shall be stated on the plat.

- (b) All existing pertinent features, either natural or manmade, that may influence the design of the subdivision, such as important trees or wooded areas, power transmission towers, existing buildings and structures, and water courses.
- (c) Location of existing and recorded utility easements on or within two hundred (200) feet of the tract. (Should include electric and telephone poles, underground cables, and towers).
- (d) Location and extent of permanent erosion and sediment control facilities (e.g. sedimentation ponds, drainage ditches, diversion terraces, etc.) if required by the by the Cecil County Soil Conservation District, shall be shown as well as locations of wells, septic disposal areas, percolation information and soil types.
- (e) Information required by the Cecil County Critical Area regulations including but not limited to the buffer, habitat protection areas, forests and developed woodlands, limits of tidal wetlands, mean high water line, and an environmental assessment.
- (f) Location and extent of existing and/or proposed shore erosion abatement procedures.
- (g) Shall conform to Section 2.4.4 on the remainder.

2.4.3 – The Planning Commission shall require that the major subdivision procedures be followed in the event that subsequent plat brings the number of lots off the original parcel to five (5) or more.

2.4.4 - The Office of Planning & Zoning shall require that the remaining original tract be shown as stated in the appropriate section below.

- (a) if less than five (5) acres of land remain in the original tract after the lots are excluded, then all of the tract (lots and remainder) must be platted.
- (b) if more than five (5) acres of land remain in the original tract after the lots are excluded, then the owner is not required to plat the remaining acreage.

The subdivider is required to provide a sketch of the tax map showing his entire acreage and the location of the lots being platted and any previously platted lots.

## **Section 2.5 – Building Permits**

No building permits shall be approved by the Office of Permits and Inspection on any subdivision or development until or unless the requirements of these regulations have been met as verified by the Office of Planning & Zoning.

### **Section 2.6 - Subdivision Name**

The subdivision name approved by the Office of Planning & Zoning and recorded in the office of the Clerk of the Circuit Court for Cecil County shall constitute the subdivision's official name. No other name may be used for advertising or sale purposes unless an amended and approved plat is recorded bearing the revised name.

### **Section 2.7 – Off Site Road Access**

Off-site road access to the proposed subdivision must not be hazardous and unsafe by virtue of one or more of the following:

- (a) Lack of compliance with the applicable sections of the Cecil County Road Code.
- (b) Poor or non-existent sight distances, due to topography, natural vegetation, or poor road alignment; vertical and/or horizontal.
- (c) Grades exceeding ten (10) percent.
- (d) Width of paved surface too narrow to allow the passing of two (2) vehicles safely.
- (e) When a proposed entrance access involves a highway under the jurisdiction of the State Highway Administration, the entrance intersection is subject to requirements of that agency and the overall safety of the access shall be coordinated with said agency.

### **Section 2.8 – Water & Sewer**

The proposed subdivision shall be disapproved unless the following provisions are made for the disposal of sewage and the provision of water:

- (a) Each building lot has been approved for individual sewer and water facilities by the Health Department Approving Authority, when located outside of a sewerage service area.
- (b) No inherent factors of drainage, soil character, or other conditions that would tend to produce health problems. This holds regardless of lot size.
- (c) Each lot inside a sewer and/or water service area is to be served by a public or private system. Privately owned and operated utility systems for new subdivisions may be approved, provided the developer and the County execute a Public Works Agreement in which it is agreed:
  - 1. the treatment facilities will be abandoned when a regional system is available to the site;

2. the distribution system will be deeded to the owners of the regional system at the time of connection to the regional system;

Private utility systems in existence at the time of adoption of these regulations may be expanded up to the capacity of the existing treatment facility.

- (d) Each lot meets the minimum square footage requirements for providing individual sewerage disposal and/or water supply, as established by the approving authority of the State Department of Health and Mental Hygiene.
- (e) Each lot is assured a connection with a public or private water main when located inside a service area.

## **ARTICLE III – ADMINISTRATION**

### **Section 3.0 – Administrative Responsibility**

At the direction of the Cecil County Planning Commission, it shall be the responsibility of the Office of Planning & Zoning to administer and enforce these regulations and to establish the procedures for the proper implementation consistent with these regulations.

### **Section 3.1 Referral**

The Office of Planning & Zoning may refer the subdivision and development plans to any County agency or any other agency (State or Federal) which it deems appropriate for their comments and/or recommendations. The Planning Commission will determine the basis of approval and/or disapproval of a proposed subdivision or development plan.

- 3.1.1 - Approvals for specific elements of a subdivision or development plan, including but not limited to sedimentation and erosion control and sewerage disposal, must come from those County Departments or other agencies (State or Federal) having jurisdiction in that area. All requirements for acquiring approval of a specific element are contained in codes or regulations administered by the agency or department responsible and are not necessarily available in this regulation.
- 3.1.2 - The Technical Advisory Committee shall meet as appropriate to review, discuss, recommend, and coordinate the action of the subdivision or development proposal. All parties involved with the subdivision or development plan shall be advised of the committee's recommendations and actions herein.

### **Section 3.2 – Application**

The provisions of these regulations shall be considered as minimum requirements to promote and protect public health, safety, and general welfare as set forth in the statement of legislative intent. Any subdivision or development complying with these minimum requirements and any regulations pursuant thereto, shall be approved, and a Public Works Agreement, where necessary, shall be executed between the developer and the County prior to any final approval.

The Planning Commission shall require each subdivision to conform to all applicable requirements of the Zoning Ordinance.

### **Section 3.3 – Appeal**

Any person aggrieved by any action of the Planning Commission pursuant to these regulations, taken after October 1, 1992, may appeal to the Circuit Court in accordance with the Maryland Rules of Procedure.

### **Section 3.4 – Penalties**

If the owner or agent of the owner of any land located within a subdivision transfers or sells or agrees to sell or negotiates to sell any land by reference to or exhibition of or by other use of a plat of a subdivision, before the plat has been approved by the Planning Commission and recorded or filed in the office of the appropriate county clerk, the owner or agent of the owner shall forfeit and pay a civil penalty of not less than \$200 and not more than \$1,000 in the discretion of the court, for each lot or parcel so transferred or sold or agreed or negotiated to be sold; and the description of 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 County may enjoin the transfer or sale or agreement by action for injunction brought in any court or equity jurisdiction or may recover the penalty by civil action in any court of competent jurisdiction.

### **Section 3.5 - Modifications**

Where the Planning Commission finds that because of unusual circumstances of shape and topography or other physical features or conditions of the proposed subdivision or because of the nature of adjacent developments, extraordinary hardship may result from strict compliance with these regulations, there may be granted a modification of the regulations when requested by the subdivider or developer. However, no such modification shall be granted which will have the effect of nullifying the intent and purpose of the Comprehensive Plan, Zoning Ordinance, these regulations or any other pertinent rules, regulations or laws, of the County. In granting modifications, the Planning Commission may require such conditions as will, in its judgment, secure substantially the objectives of the standards of the requirements so waived or modified.

Any modification of these regulations for a particular subdivision or development shall be noted on the final plat and appear in the records of the Office of Planning and Zoning.

### **Section 3.6 – Amendments**

The Board of County Commissioners may adopt amendments to the provisions of these regulations if it is determined by the Board that any such amendment will better the public interest and the general purpose of these regulations. Proposals for amendment may be initiated by any person, group, agency, or organization, by resolution of the County Commissioners, by motion of the Planning Commission or by any other governmental agency of the County. All amendments shall be reviewed by the Planning Commission and their recommendation shall be submitted to the Board of County Commissioners. The Planning Commission shall hold a public hearing prior to its submittal of a recommendation to the County Commissioners. Prior to making a decision, the County Commissioners shall hold a public hearing on the proposed amendments. The date and place of all public hearings shall be advertised for two (2) consecutive weeks, at least fifteen (15) days prior to the hearing in at least one (1) newspaper of general circulation in Cecil County.

### **Section 3.7 – Fee Schedule**

Fees for processing of plats, as well as recordation fees shall be in accordance with a fee schedule approved by the County Commissioners.

### **Section 3.8 Filing Schedule**

The Office of Planning and Zoning shall prepare a filing schedule for applications to the Technical Advisory Committee and the Planning Commission. The filing schedule shall be submitted to the Planning Commission for a recommendation. The County Commissioners shall be the final approval authority. All applications to the Technical Advisory Committee and the Planning Commission shall adhere to the filing schedule. The filing schedule shall be made available at the Office of Planning and Zoning and shall contain the following information:

- (a) Meeting dates, time and location for the Technical Advisory Committee and Planning Commission.
- (b) Submittal deadlines for the Technical Advisory Committee and Planning Commission.
- (c) Appropriate number of copies of subdivision plats and other material that is to be reviewed by the Technical Advisory Committee or the Planning Commission.

Prior to the submittal of a concept plat to the Technical Advisory Committee, notice shall be given by certified mail, to the extent possible based on best available information, to all immediately contiguous property owners of the proposal to subdivide the property. Notification shall include the name, address, and telephone number of the developer, the acreage and zoning of the parcel proposed for subdivision, and the proposed number of lots. It shall be the responsibility of the applicant, based upon the best available information, to send by Certified Mail to all property owners immediately contiguous to the property on which a subdivision is proposed, notice of the initial review of the subdivision proposal by the Technical Advisory Committee (TAC). Said notices shall be sent by Certified Mail no later than the date of the Technical Advisory Committee's submission deadline. It shall be the responsibility of the applicant to provide documentation that this requirement has been met by the TAC submittal deadline.

The notice shall contain the following information:

- (a) Property owner/developer, address, telephone number
- (b) Acreage, zoning
- (c) Proposed number of lots/units
- (d) TAC Citizen Representative telephone number
- (e) Office of Planning and Zoning telephone number
- (f) Date, location and time of the TAC meeting.



Additionally, the developer shall be responsible for the erection and maintenance of a clearly visible sign containing a copy of the proposed plat on each of the property's road frontages. Each sign shall be provided by the developer and fabricated to specifications provided by the Office of Planning and Zoning. The signs shall be durable, weather resistant, have a minimum dimension of 30 by 36 inches and shall be maintained in place throughout until the final plat approval. If the Director of Planning and Zoning, or his designee, determine that the applicant has failed to maintain or properly install the signage in compliance with these requirements, the proposed project shall be withdrawn for the Technical Advisory Committee and Planning Commission agenda. The plat shall also be posted on the County's website.

## **ARTICLE IV - MAJOR SUBDIVISION PLAT PROVISIONS**

### **SECTION 4.0 - Concept Plat**

- 4.0.1 - For projects involving fewer than ten (10) lots or fewer than twenty-five (25) acres from the original parcel of record, the subdivider may prepare a Concept Plat of the proposed subdivision conforming with the requirements set forth in these regulations and submit said plat, as stipulated in Appendices A and B, to the Office of Planning and Zoning. For projects involving more than ten (10) lots or more than twenty-five (25) acres from the original parcel of record, whichever is more restrictive, the subdivider shall prepare a Concept Plat of the proposed subdivision conforming to the requirements set forth in these regulations and submit said plat to the Office of Planning and Zoning.
- 4.0.2 - The concept plat will also be scheduled for a Technical Advisory Committee meeting for review by committee members and representatives of the developer. Concept Plats for subdivision of more than ten (10) lots or more than twenty-five (25) acres from the original parcel of record, whichever is more restrictive, will be scheduled for review by the Planning Commission at its regular meeting. If, for any reason, after Technical Advisory Committee review, a Concept Plat is revised to propose fewer lots but the same layout, said revised Concept Plat does not first have to be re-reviewed by the Technical Advisory Committee before being scheduled for subsequent review by the Planning Commission. Concepts Plats submitted for Technical Advisory Committee or Planning Commission review shall adhere to the filing schedule as prescribed by the Office of Planning and Zoning.
- 4.0.3 - It shall be the responsibility of the Office of Planning and Zoning to distribute plat, and information to other agencies and to notify the developer as to the time, date, and place of the meeting regarding his development. All Technical Advisory Committee and Planning Commission meetings shall be open to the public.
- 4.0.4 - The Concept Plat shall be checked by the Office of Planning and Zoning, Public Works Department, and Health Department as to its conformity with all plans and ordinances in effect. Each agency to which a plat is distributed shall submit written comments or can present their views and comments at the Technical Advisory Committee meeting. If such agency comments are not made to the Office of Planning and Zoning prior to subsequent review by the Planning Commission, the Concept Plat shall be considered acceptable to the respective agency, and the Planning Commission may proceed to take action upon the plat at a regularly scheduled subdivision review meeting.
- 4.0.5 - The Technical Advisory Committee will make recommendations and findings with regard to the Concept Plat and they will be presented to the developer. For concept plats for subdivisions more than ten (10) lots or more than twenty-five (25) acres from the original parcel of record, whichever is more restrictive, the recommendations and findings of the Technical Advisory Committee will be presented to the Planning Commission for their review and comment. Questions of maximum permitted density for the original parcel of record shall be determined by the Planning Commission at this time.
- 4.0.6 - The Technical Advisory Committee, and subsequently the Planning Commission, will, in general, be reviewing the Concept Plat with regard to the following points:

- (a) Interior street configuration and layout.
- (b) Proposed density.
- (c) Entrance locations (both street and driveways).
- (d) Traffic effect on existing and proposed roads.
- (e) Water and sewer facilities.
- (f) Feasibility of a subdivision in the area, including:
  - 1. Total number and size of lots
  - 2. Effect on school district and school bus service
  - 3. Approximate lot layout and other reserved areas, if any.
- (g) New land development technique(s) (e.g., clustering and neo-traditional design).
- (h) The affect on waterways, shorelines, due to run-off, erosion, etc.
- (i) Consistency with the Cecil County Critical Area Program requirements, including but not limited to, the completion of the Conceptual Environmental Assessment.
- (j) Consistency with the Cecil County Forest Conservation Regulations, including but not limited to, the completion of the Forest Stand Delineation.
- (k) Stormwater management requirements.

- 4.0.7 - The Technical Advisory Committee will review the concept plat for general suitability of design without regard for drainage, erosion, or vertical alignment of streets. These will be reviewed in the Preliminary Plat submission. The Technical Advisory Committee shall review all Concept Plats for development if it involves more than ten (10) lots or more than twenty-five (25) acres from the original parcel of record, whichever is more restrictive. All Concept Plats for subdivisions involving more than ten (10) lots or more than twenty-five (25) acres from the original parcel of record, whichever is more restrictive, shall first be reviewed by the Technical Advisory Committee prior to subsequent review by the Planning Commission.
- 4.0.8 - The review by the Planning Commission of the Concept Plat is to allow the subdivider to determine feasibility of his project and to determine the maximum density allowable and an acceptable layout on the parcel. Acceptance of the Concept Plat submittal for Planning Commission review does not guarantee approval, and the approval of a Concept Plat does not guarantee subsequent (i.e., Preliminary and Final) approvals. Conditional approval of a Concept Plat shall state the conditions or modifications necessary to satisfy the requirements of these regulations, and the approval of the Preliminary Plat shall not be made until such Concept Plat conditions have been satisfied.
- 4.0.9 - Approval of the density and layout of a Concept Plat shall be valid for a period of three (3) years at the end of the month from the date in which Planning Commission approval is granted. Preliminary approval by the Planning Commission of any section of the Concept Plat shall extend the density approval of the Concept Plat for as long as the Preliminary Plat is valid. Otherwise, the developer may request an extension in accordance with Section 4.0.10.
- 4.0.10 - Initial extensions of Concept Plat approval may be granted by the Director of Planning and Zoning for one (1) year upon application of the developer. For subsequent applications, the Planning Commission may, at their regular monthly meeting, grant an extension of the approval of a Concept Plat for one (1) year upon application of the developer. If granted, said extension shall run for one (1) year at the end of the month from the date and month in

which said extension is granted. In connection with such request, the Planning Commission or Director shall consider the following:

- (a) Change in the zoning classification of the property.
- (b) Change in the Zoning Ordinance.
- (c) Change in the Subdivision Regulations.
- (d) Change in the Comprehensive Plan.
- (e) Change in the Critical Area designation of the property.
- (f) Change in the Critical Area Program.
- (g) Change in the Forest Conservation Regulations.

A request for extension of the approval of a Concept Plat shall be filed no later than the date of the submission deadline for the Planning Commission meeting prior to the expiration of said Concept Plat, as established in Appendices A and B of these Regulations. An expired Concept Plat has no status and any further consideration or review submission shall be treated as a new application.

4.0.11 - The applicant shall receive written notice of the Planning Commission's action regarding the requested extension, whether approved or denied.

4.0.12 - A disapproved, expired, or otherwise voided density and layout of a Concept Plat has no status and any further consideration or review submission shall be treated as a new application.

4.0.13 - Required Information:

- (a) Concept Plats shall be submitted on paper and shall be clear and legible. Illegible plats will be discarded and the subdivider notified. Incomplete plats will not be accepted by the Office of Planning and Zoning. For Planning Commission review only, a Concept Plat shall be not considered complete if the Forest Stand Delineation and Stormwater Management Concept Plan have not been approved prior to submission of said Concept Plat (if in the Critical Area, a Concept Plat will not be considered complete unless the Conceptual Environmental Assessment has been approved prior to submission of said Concept Plat). In addition, for Technical Advisory Committee and Planning Commission review, a Concept Plat shall be not considered complete if the public notification sign(s) have not been properly installed, if the electronic version of the plat has not been submitted for posting on the County's website, and if the submission fee, established in Appendix A, has not been paid prior to submission of said Concept Plat. Incomplete Concept Plats will be returned to the subdivider within fifteen (15) days of submission for completion and resubmission by the subdivider at a later date, and the submission fees shall be forfeited.
- (b) A vicinity map indicating the location of the property with reference to surrounding property, streets, nearest major intersection, north point, landmarks, streams, etc. Show all property owned according to the tax maps if only a part of the property is to be developed. The tax map, block (grid), and parcel number(s) shall also be provided.

- (c) In the event that a record subdivision adjoins the property to be developed, the subdivision should be indicated by dashed lines.
- (d) Title information:
  - 1. Proposed name
  - 2. Scale of Plat (feet and meters).
  - 3. Location by election district, County and State.
  - 4. Date.
- (e) Name and address of owner or person representing owner who is responsible for preparation of the plat.
- (f) North point.
- (g) Boundary of proposed subdivision. This can be a deed plot.
- (h) Location, widths, and names of all streets and/or alleys on or adjoining the subdivision; this should include plats which have preliminary approval as well as those recorded but unimproved and all existing easements (to be indicated by dashed lines).
- (i) Location of existing utilities on or within two hundred (200) feet of the parcel.
- (j) The layout of all proposed and existing lots with appropriate dimensions and minimum area.
- (k) The approximate location and area of all property proposed to be reserved for public use or to be reserved for use by all property owners in the subdivision, also the purposes of any proposed easements.
- (l) Existing zoning of the tract and all adjacent parcels. Any proposed zoning for the tract must be effectuated by a rezoning prior to the Planning Commission's review of the Concept Plat.
- (m) If community sewerage and/or water systems are to be used, such notation shall be made on the Concept Plat. The proposed providers of public water and/or sewer shall be cited on the plat, as applicable.
- (n) In the case of multi-family projects (apartments, townhouses, etc.), the following additional items shall be shown:
  - 1. Approximate location of buildings.
  - 2. Total number of units in each building.
  - 3. Total number of off-street parking spaces and the space to unit ratio.
- (o) General location and areal extent of the following when the subdivision is proposed in the Cecil County Critical Area:
  - 1. Tidal and non-tidal wetlands;
  - 2. Streams (perennial and intermittent);

3. Areas of steep slopes, highly erodible and other soils with development constraints;
4. Shore and stream Buffer (110-foot or 200-foot minimum);
5. Natural resource protection areas, Habitat Protection Areas, forests and developed woodlands on or in the vicinity of the proposed subdivision;
6. The Critical Area Boundary and the applicable land management classification(s), i.e. Intensely Developed Area (IDA), Limited Developed Area (LDA), or Resource Conservation Area (RCA);
7. Computation of the amount of acres in the Critical Area District; and
8. The location and extent of existing and/or proposed shore erosion abatement approaches.
9. The Conceptual Environmental Assessment.

- (p) All existing easements on the parcel(s) to be subdivided.
- (q) Any existing cemeteries or burial sites on the parcel(s) to be subdivided.
- (r) Additional information as required by the Forest Conservation Regulations and/or the Forest Conservation Technical Manual.

#### **SECTION 4.1**      -    **Preliminary Plat**

- 4.1.1 - After approval of the Concept Plat, the developer shall submit his Preliminary Plat, which may consist of a section of the Concept Plat. The developer shall prepare a Preliminary Plat conforming to the requirements set forth in these regulations and as stipulated in Appendices A and B, and submit said plat to the Office of Planning and Zoning.
- 4.1.2 - The Preliminary Plat shall be reviewed by the Technical Advisory Committee and the Planning Commission. Submission of the Preliminary Plat shall adhere to the filing schedule as prescribed by the Office of Planning and Zoning.
- 4.1.3 - The Preliminary Plat will be scheduled for a Technical Advisory Committee meeting for review by its members and representatives of the developer.
- 4.1.4 - It shall be the responsibility of the Office of Planning and Zoning to distribute plats and information to other agencies, to receive comments from those agencies, and to notify the developer and the Technical Advisory Committee as to the time, date, and place of meetings and hearings regarding the development. All such meetings shall be open to the public. As applicable for subdivisions or development in the Critical Area District, the Technical Advisory Committee will obtain comments and recommendations of the Critical Area Commission staff and other applicable State and/or Federal agencies for proposed subdivisions.
- 4.1.5 - Each agency to which a plat is distributed shall submit written comments or can present their views and comments at the Technical Advisory Committee meeting. If such agency comments are not made to the Office of Planning and Zoning prior to review by the Planning Commission, then the plat shall be considered acceptable to the respective agency, and the Planning Commission may proceed to take action upon the plat at a regularly scheduled subdivision review meeting. All Preliminary Plats shall first be reviewed by the Technical Advisory Committee prior to subsequent review by the Planning Commission.

- 4.1.6 - The Preliminary Plat will be checked by the Office of Planning and Zoning as to its conformity with the Comprehensive Plan of Cecil County and the County Critical Area Program, as applicable; the requirements of the Zoning Ordinance and Subdivision Regulations of Cecil County, including the intent and purposes of those ordinances; and the recommendation of the Technical Advisory Committee and other Federal, State, and County agencies. Incomplete plats or those lacking the required information shall be returned to the subdivider for completion and subsequent resubmission, and the submission fees shall be forfeited.
- 4.1.7 - At the regularly scheduled subdivision review meeting of the Planning Commission, the Office of Planning and Zoning will present the recommendations and findings of other agencies and the Office's own recommendation of approval, conditional approval, or disapproval of the Preliminary Plat.
- 4.1.8 - The Technical Advisory Committee, and subsequently the Planning Commission, will, in general, be reviewing the Preliminary Plat with regard to the following points:
  - 1. Conformance to the ~~land use~~ provisions of the Cecil County Comprehensive Plan and the Cecil County Zoning Ordinance.
  - 2. Conformance to the approved density and layout and any conditions of Concept Plat approval, including, but not limited to, completion of the boundary line survey, completion and review of any Traffic Impact Study by appropriate State and County departments, approval of the Preliminary Stormwater Management Plan, approval of the Preliminary Forest Conservation Plan and/or Preliminary Environmental Assessment.
  - 3. Conformance to the applicable provisions of the Cecil County Zoning Ordinance and these regulations.
  - 4. Protection of wetlands, streams, area of steep slope and shorelines, including, but not limited to, the Cecil County Critical Area Program and corresponding sections of the Cecil County Zoning Ordinance.
  - 5. Protection of forested, reforested, or afforested areas as required by the Cecil County Forest Conservation Regulations.
  - 6. Conformance to all requirements of the Cecil County Department of Public Works, including, but not limited to, stormwater management requirements.
  - 7. Conformance to all requirements of the Cecil County Department of Environmental Health.
  - 8. Conformance to the requirements of other State and County departments, as may be applicable.
- 4.1.9 - The Planning Commission will act either to: approve, conditionally approve, or disapprove the Preliminary Plat at a regular subdivision review meeting. A Preliminary Plat may be tabled only if the Commission feels it needs more information on some aspect of the

proposal, pursuant to §4.1.14. Approval of a Preliminary Plat does not guarantee subsequent Final Plat approval(s). Conditional approval of a Preliminary Plat shall state the conditions or modifications necessary to satisfy the requirements of these regulations, and the approval of the Final Plat shall not be made until such Preliminary Plat conditions have been satisfied. Preliminary Plat approval shall be effective for a period of three (3) years from the date of approval.

- 4.1.10 - Approval with any conditions shall be noted in the meeting minutes and in a letter mailed to the applicant.
- 4.1.11 - If the Planning Commission disapproves the Preliminary Plat, it shall set forth the reasons for disapproval in its records and provide the applicant with a copy.
- 4.1.12 - Conditional approval of a Preliminary Plat shall state the conditions or modifications necessary to satisfy the requirements of this ordinance, and the actual approval of the Preliminary Plat shall not be made until such conditions have been satisfied.
- 4.1.13 - The Planning Commission may continue a decision on a plat if there is a lack of information or if substantial changes are necessary to be performed in order to make a plat acceptable to the Commission.
- 4.1.14 - Any approved Preliminary Plat or any plat continued for further study by the Commission shall be exempt from any changes in the Subdivision Regulations or other applicable law for a period of three (3) years from the date of approval of the Preliminary Plat. However, it shall be incumbent upon the developer to maintain project consistency with all current requirements of the Health Department, the Department of Public Works, the Critical Area Commission, and the Office of Planning and Zoning, as applicable, and as may have been amended or revised.
- 4.1.15 - The developer shall receive written notification as to approval, conditional approval, or disapproval of the plat.
- 4.1.16 - Preliminary Plat approval shall be valid for a period of three (3) years at the end of the month from the date and month in which Planning Commission approval is granted. The recordation of any section of a Final Plat shall extend the Preliminary Plat approval for an additional two (2) year period from the date of said recordation. If a Final Plat is not recorded during the period, then the developer may request an extension in accordance with Section 4.1. 17
- 4.1.17 - Initial extensions of Preliminary Plat approval may be granted by the Director of Planning and Zoning for two (2) years upon application of the developer. For subsequent applications, the Planning Commission may, at their regular monthly meeting, grant an extension of the Preliminary approval for two (2) years. If granted, said extension shall run for two (2) years at the end of the month from the date and month in which said extension is granted. In connection with such request, the Commission or Director shall consider the following:
  - (a) Change of adjoining land use.
  - (b) Change in street or highway plan.



- (c) Change in zoning or subdivision regulations.

A request for extension of a Preliminary Plat approval shall be filed no later than the date of the submission deadline for the Planning Commission meeting prior to the expiration of said Preliminary Plat, as established in Appendices A and B of these Regulations. An expired Preliminary Plat has no status and, therefore, cannot be extended.

- 4.1.18 - The applicant shall receive written notice of the Planning Commission's action regarding the requested extension, whether approved or denied.
- 4.1.19 - A disapproved, expired, or otherwise voided Preliminary Plat has no status and any further consideration or review submission shall be treated as a new application, possibly requiring a new Concept Plat.
- 4.1.20 - Required information:
  - (a) The Preliminary Plat shall be submitted by the developer on paper and shall be clear and legible. The scale shall be no smaller than 1" = 100' (1" = 200' where the average lot size is greater than five (5) acres as approved by the Office of Planning and Zoning). When more than one (1) sheet is required, an index sheet of the same size shall be submitted showing the entire subdivision drawn to scale. Each sheet must have the seal and signature of a surveyor licensed to practice in the State of Maryland. Incomplete plats will not be accepted by the Office of Planning and Zoning. For Planning Commission review only, a Preliminary Plat will be not considered complete if the boundary line survey has not been completed, the Traffic Impact Study (if required) has not been completed, the documentation of the completed jurisdictional determination (if applicable) has not submitted, and the Preliminary Forest Conservation Plan and Preliminary Stormwater Management Plan have not been approved prior to submittal of said Preliminary Plat (if in the Critical Area, a Preliminary Plat will not be considered complete unless the Preliminary Environmental Assessment has been approved prior to submission of said Preliminary Plat). In addition, for Technical Advisory Committee and Planning Commission review, a Preliminary Plat will not be considered complete if the public notification sign(s) have not been properly installed, if the electronic version of the plat has not been submitted for posting on the County's website, and if the submission fee, established in Appendix A, has not been paid. Incomplete Preliminary Plats will be returned to the subdivider within fifteen (15) days of submission for completion and resubmission by the subdivider at a later date, and the submission fees shall be forfeited.
  - (b) A vicinity map indicating the location of the property with references to surrounding property, streets, nearest major intersection, north point, landmarks, streams, etc. (scale shall be no smaller than 1"=2000'), and conforming to Section 2.4.4 on the designation of the remainder. The tax map, block (grid), parcel number(s) shall also be shown.
  - (c) The names, liber and folio of all adjoining property. In the event that a recorded subdivision adjoins the land to be developed, the subdivision name and recording reference shall be indicated. In the event that a historic district or other officially designated historic site adjoins the land to be developed, it shall be identified.

- (d) Title information:
  - 1. Proposed name
  - 2. Scale of Plat (feet and meters).
  - 3. Location by election district, County and State.
  - 4. Date.
- (e) Name and address of the owner and registered engineer or surveyor licensed in the State of Maryland responsible for the preparation of the plat, signature, and seal of engineer, surveyor, and corporation required.
- (f) North point. Indicate if true north.
- (g) Boundary of proposed subdivision. The boundary line survey must be completed prior to the Planning Commission's review of the Preliminary Plat. If the Preliminary Plat is signed and sealed by someone other than a surveyor licensed to practice in the State of Maryland, then the boundary line survey, signed and sealed by a surveyor licensed to practice in the State of Maryland, must be submitted separately, no later than the submission of the Preliminary Plat for review by the Technical Advisory Committee.
- (h) All existing pertinent features, either natural or manmade, that may influence the design of the subdivision, such as important trees or wooded areas, power transmission towers, existing buildings and structures, and water courses.
- (i) Existing topography at two (2) or five (5) foot contour intervals. Contour lines shall be indicated one hundred (100) feet beyond the subdivision boundary. Contours shall be based on geodetic control monuments and/or bench marks, when available, within two thousand (2000) feet of property or by estimation from USGS quadrangle maps. Datum shall be stated in all cases and a reference or benchmark described on plat together with elevation. Source of contours shall be stated on plat, such as, field run topo, aerial topo, etc. Interpolation of contours from USGS quadrangle maps will not be accepted unless previously approved by the Office of Planning and Zoning.
- (j) Location, width, and names of all streets and/or alleys on or adjoining the subdivision; this should include plats which have preliminary approval, as well as those recorded but unimproved and all existing easements. (to be indicated by dashed lines.)
- k) Location of existing and proposed utilities on or within two hundred (200) feet of the tract with approximate pipe sizes and directions of slope indicated. (Should include electric, telephone and cellular phone poles or towers, and fire suppression drafting tanks.)
- l) The layout of all proposed and existing lots with approximate dimensions and minimum building line should be indicated. All major subdivisions must be provided with coordinates consistent with the geodetic control requirements approved by the Board of County Commissioners on May 15, 2007.
- m) The preliminary layout of all proposed streets and pedestrian ways, including width of right-of-way, pavements, storm drains, and grades.

- n) The approximate location, dimensions, and area of all property proposed to be reserved or temporarily reserved for public use, or to be reserved for use of all property owners in the subdivision, and the location, dimensions and purposes of any proposed easements, including street tree planting easements and drainage easements.
- o) Zoning district classification of the tract or parcel being subdivided and all adjacent parcels.
- p) Existing and proposed (schematic) drainage system, including the type(s) of structures, the floodplain, proposed stormwater management facility locations, and any deviations from standards, and pertinent features from the Preliminary Stormwater Management Plan.
- q) Location(s) of the septic disposal area(s) and proposed wells and percolation information are to be indicated in accordance with the specifications of the Maryland State Department of Health and Mental Hygiene when individual sanitary facilities are to be used. If community sewerage and/or water systems are to be used, such notation shall be made on the Preliminary Plat.
- r) The total number of lots, area of lots, the density, the total area of any open space, the total area of any common open space, any add-ons, total area and types of right-of-way dedicated, and total area of subdivision shall be indicated in table form. All acreage shall be accounted for, per the boundary line survey, and the Preliminary Plat density shall not exceed the approved Concept Plat density.
- s) In cases of condominium or multi-family projects (apartments, townhouses, etc.), the following additional items shall be shown:
  - 1) Approximate location of each building, setbacks from all streets (public or private), property lines and distance between buildings.
  - 2) Number and types of units in each building.
  - 3) Total number of units and sub-totals of each type.
  - 4) Number of parking spaces in each off-street parking area, the space to unit ratio, and conformity to parking space minimums and maximums.
- t) Soil types shall be shown.
- u) Perimeter of the entire parcel, as well as the section requiring approval, if different.
- v) For proposed subdivision located in the Critical Area, the following additional information will be shown on the Preliminary Plat as applicable:
  - 1) Computation of the total area within the Critical Area District, area within each of the land management classifications (i.e., IDA, LDA, RCA), and number of lots in the Critical Area;
  - 2) Slopes 15 percent or greater;

- 3) Location and area extent of all soils exhibiting the following characteristics as determined by the Soil Survey, such as:
    - a) Wet Soils.
    - b) Hydric Soils and soils with hydric properties, and
    - c) Highly erodible soils (soils on slopes greater than 15 percent or soils on slope greater than 5 percent with “K” values greater than 0.35).
  - 4) Location of all existing or proposed site improvements (including storm drains, culverts, retaining walls, fences, and stormwater management facilities, as well as sediment and erosion control structures);
  - 5) Location of open space, the one hundred and ten (110)- or two hundred (200)-foot Buffer and other buffer areas, forested areas and landscaping (the plan shall show all areas to be maintained as landscaping to be provided and the means by which such landscaping will be permanently maintained shall be specified);
  - 6) Location of all Habitat Protection Areas on the site;
  - 7) Location of tidal and non-tidal wetlands on and adjacent to the site and delineation of the watershed thereof;
  - 8) Location of eroding shoreline reaches, the rates of erosion, areas where shore erosion measures are in place, areas to be protected by installation of proposed erosion abatement approaches;
  - 9) Areas to be retained in agricultural use;
  - 10) Areas proposed for reforestation and afforestation;
  - 11) Total area of the site that will be temporarily disturbed during development and area that will be permanently disturbed (disturbed is defined as any activity occurring on an area which may result in the loss of or damage to existing natural vegetation);
  - 12) Proposed natural park areas, as appropriate; and
  - 13) The location of the Critical Area District Boundary, the Mean High Water Line and the landward edge of tidal wetlands.
- w) Additional information as required by the Forest Conservation Regulations and/or the Forest Conservation Technical Manual.

#### 4.1.21 - Additional Information Required

In addition to the information above, the Preliminary Plat shall be accompanied by the following when the subdivision or development is proposed in the Critical Area, as required:

- (a) A Planting Plan reviewed by and addressing the comments of the Bay Watershed Forester;
- (b) A Habitat Protection Plan, including the comments of the Maryland Forest, Park and Wildlife Service, the Water Resources Administration and other agencies as appropriate;
- (c) An executed Cooperators Agreement with the Cecil County Soil Conservation District or a farm plan, as applicable;
- (d) A preliminary Sediment and Erosion Control Plan;
- (e) A Shore Erosion Protection Plan – complete specification for complete shore erosion work;
- (f) Natural Park Management Plan, as appropriate; and
- (g) A Preliminary Environmental Assessment, which provides a coherent statement of how the proposed development addresses the goals and objectives of the Cecil County Chesapeake Bay Critical Area Program. At a minimum, the Environmental Assessment shall include:
  - 1. A statement of existing conditions, e.g. amount and type of forest cover, amount and type of wetlands, discussion of existing agricultural activities on the site, soil types, topography, etc.;
  - 2. A discussion of the proposed development project, including number and type of residential units, amount of impervious surface, proposed sewer treatment and water supply, acreage devoted to development, proposed open space and habitat protection areas;
  - 3. A discussion of the proposed development's impacts on water quality and Habitat Protection Areas; and
  - 4. Documentation of all correspondence and findings.

## **SECTION 4.2**      -    **Final Plat**

The Final Plat is the culmination of the subdivision process and shall include all information necessary to comply with this section of these regulations. The Final Plat is intended to become the official record of the division of land within a development and no lot therein may be legally sold, and the owner or agent of the owner shall not transfer or sell or agree to sell or negotiate to sell any lot by reference or to advertise any lot(s) until a Final Plat has been approved by the Office of Planning and Zoning and recorded by the developer.

- 4.2.1    -    After approval of the Preliminary Plat, the developer shall submit his Final Plat, which may consist of a section of the Preliminary Plat. Final Plats shall be submitted in accordance with the requirements set forth in these regulations, and as stipulated in Appendices A and B herein, and shall be submitted to the Office of Planning and Zoning.

- 4.2.2 - Final Plat submittal shall be made to the Office of Planning and Zoning. Submittal shall be accompanied by the appropriate number of copies of the Final Plat as stipulated in Appendix B, fees established in Appendix A, and required public improvement plans and shall be certified by the Office of Planning and Zoning as to the date of receipt.
- 4.2.3 - Final Plat review by the Technical Advisory Committee is not required by these regulations. Final Plats must be brought before the Planning Commission at their regular meeting before they can be signed and recorded as directed by this document.
- 4.2.4 - The Planning Director shall be empowered to sign the Final Plat after approval by the Planning Commission and when satisfactory review indicates that said plat meets all requirements of the Ordinance and all conditions for approval of said plat have been met.
- 4.2.5 - The Final Plat is reviewed against the approved Preliminary Plat and any modification contained therein. The final plat shall receive approval or disapproval at the next regularly-scheduled monthly Planning Commission meeting after submission, in accordance with §4.2.1. If approval is not given, then the reason(s) therefore, shall be given to the developer in writing by the Office of Planning and Zoning.
- 4.2.6 - The Public Works Director or Senior Engineer of Cecil County will certify receipt and approval of public improvement plans, public works agreements, execution of subdivision agreements, the Stormwater Management Final Plan, and necessary financial arrangements by affixing his signature to the Final Plat prior to the signing by the Planning Director.
- 4.2.7 - The authorized signature of the "Health Department approving authority" shall likewise be affixed to the Final Plat prior to signing by the Planning Director.
- 4.2.8 - Upon approval, the developer, or his representative, shall submit to the Office of Planning and Zoning the original Final Plat and public improvement plans for signature by the various County agencies.
- 4.2.9 - The subdivider or developer shall record the Plat in the Land Records of Cecil County only upon signatures of the Public Works Director or Senior Engineer of Cecil County, the "Health Department approving authority," and the Planning Director.
- 4.2.10 - The subdivider will furnish copies of the recorded Plat to all applicable County and State agencies, as directed by the Office of Planning and Zoning.
- 4.2.11 - In the event that the recording fees are not received within two years after receiving signatures attesting approval (see §4.2.8 and §4.2.9), the application shall be considered withdrawn and any previous approval or waivers shall be voided, unless such delay is caused by action or lack of action of a County or State agency.
- 4.2.12 - Model homes may be erected on the proposed development site only after final approval is given by the Planning Commission but prior to the recording of the Final Plat. The developer may erect up to five (5) residences upon approval of the terms and conditions for such buildings from the Department of Public Works.

4.2.13 - Required information: The Final Plat submitted for Planning Commission review and approval shall be on paper and be clear and legible. It shall not be considered complete unless the Stormwater Management Final Plan and Final Forest Conservation Plan and Landscape Plan have been approved, and all conditions of Preliminary Plat approval have been satisfied prior to submission of said Final Plat (if in the Critical Area, a Final Plat will not be considered complete unless the Environmental Assessment has been approved prior to submission of said Final Plat). Incomplete Final Plats will be returned to the subdivider within fifteen (15) days of submission for completion and resubmission by the subdivider at a later date, and the submission fees shall be forfeited. The Final Plat submitted for recordation shall be clearly and legibly drawn in black waterproof ink on a reproducible mylar approved by the Cecil County Office of Planning and Zoning. The minimum size of the plat shall be eighteen (18) by twenty-four (24) inches, including a recommended minimum one (1) inch margin along the left hand edge and one-half (½) inch margin on all other sides. Where necessary, the Final Plat may be on several sheets accompanied by an index sheet showing the entire subdivision submitted; however, each sheet shall be signed and sealed and include an approval signature block.

- (a) Title – The title block shall appear in the lower right hand corner of the plat and shall include the following information:
  - 1. Name of the subdivision. The name approved by the Planning Department Commission or the Office of Planning and Zoning and recorded in the Land Records shall constitute the subdivision's official and only name. No other name may be used for advertising or sales purpose unless an approved and amended plat is recorded bearing the revised name.
  - 2. Section and lot numbers.
  - 3. Scale and date of completion. Scale shall be no smaller than one (1) inch equals one hundred (100) feet (one (1) inch = two hundred (200) feet where the average lot size is greater than 5 acres, as approved by the Office of Planning and Zoning).
  - 4. County, State and election district.
  - 5. Name and address of the owner and registered engineer or surveyor licensed in the State of Maryland responsible for the preparation of the plat, signature, and seal of the engineer, surveyor, and corporation required.
- (b) Approval blocks in the form required by these regulations shall be provided in the lower left hand corner of the plat for signature by the Planning Director, the Public Works Director or Senior Engineer, and the Health Department approving authority.
- (c) Tabulation on Final Plat (above approval block) showing the following:
  - 1. Total number of lots and/or parcels to be recorded.
  - 2. Total area of lots and/or parcels including easements and widening strips.
  - 3. Total area of roadways to be recorded.
  - 4. Total area of subdivision to be recorded and where density restrictions apply, the acreage dedicated to the development, and the total area to be recorded as common open space.
  - 5. Total area of subdivision or parcels to be recorded in the Critical Area District.
  - 6. Total number of lots in the Critical Area District.
  - 7. Residential density in the Critical Area District.

- (d) A heavy line indicating the boundary of the Final Plat with the distances of courses to hundredths of a foot and bearings relating to and consistent with the geodetic control requirements approved by the Board of County Commissioners on May 15, 2007.
- (e) Exact locations, widths, bearings, and names of all streets and pedestrian ways within the subdivision or of adjoining subdivisions abutting on the outline of the subdivision as well as any common and community grounds.
- (f) The bearings and the lengths of all arcs, radii, tangents, chords, and distances in tabular form.
- (g) All easements, reservations, or rights-of-way provided for public service or utilities in the subdivision, and any limitations of such easements. All existing recorded easements, if they are in excess of a five (5) foot drainage and utility easement, shall be indicated with recording references if known.
- (h) All lot lines with dimensions in feet and hundredths, and with bearings to a minimum accuracy of one (1) second.
- (i) Minimum area of each lot in square feet if under one (1) acre or in acres if lot size is one (1) acre or greater.
- (j) Coordinates shown for the outside boundary of the plat.
- (k) Lot numbers in numerical order throughout the entire subdivision. In case there is a resubdivision of lots in any block, such resubdivided lots shall have a number and letter to denote their origin and the original lot lines shown dashed and original lot number dotted.
- (l) Minimum rear and side building restriction lines, and minimum five (5) foot drainage and utility easements should be given by written note. The front building restriction line and the Critical Area Buffer restriction line ~~should~~ **shall** be drawn graphically with dimensions for each lot.
- (m) The names, liber and folio of all adjoining unsubdivided property. In the event that a recorded subdivision adjoins the land to be developed, the subdivision name, and recording reference should be indicated. (To be indicated with dashed lines.)
- (n) The plat shall contain a north arrow which represents and designates either true or magnetic meridian as of a date specified on the plat or shall be referenced to a recognized coordinate system within the County.
- (o) Accurate outlines of any areas to be reserved for common use by residents of the subdivision or general public use, with the purposes indicated thereon.



- p) A certification that the owner or equitable owner of the land proposed to be subdivided shall be noted on the Final Plat. Such wording as specified by these regulations and the Office of Planning and Zoning shall be utilized.
- (s) A certification and dedication by the owner or owners of property to the effect that the subdivision as shown on the Final Plat is made with his consent and that it is desired to record the same and shall be noted on the Final Plat. Such wording as specified by these regulations and the Office of Planning and Zoning shall be utilized.
- (t) When a development is being resubdivided, the owner's certification shall be noted on the plat. Such wording as specified by these regulations and the Office of Planning and Zoning shall be utilized.
- (u) References of protective covenants governing the maintenance of undedicated public spaces or reservations.
- (v) If a community water supply or community sewerage system is to be used in a subdivision, the record plat shall contain a statement signed by the Health Department approving authority, to the effect that use of such community water supply or community sewerage system is in conformance with the Master Water and Sewer Plan. The Final (record) Plat shall also contain a statement, signed by the owner, that such facilities will be available to all lots offered for sale.
- (w) If a community water supply or community sewerage system is to be constructed to serve any new subdivision, the Final (record) Plat shall contain a statement signed by the owner to the effect that plans for such facilities, including any necessary point of discharge, have been approved by the appropriate Federal, State, or County authority.
- (x) Location of minimum required septic area(s) and proposed well(s), if applicable.
- (y) Reservation of road rights-of-way.
- (z) Exact locations, widths and bearings 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 to meet the requirements of the Critical Area Program and/or Forest Conservation Regulations, as applicable. The bearings and the lengths of all arcs, radii, tangents, chords, and distances in tabular form.
- (aa) Exact locations, widths and bearings of any areas to be maintained as resource protection use (e.g., agriculture, natural parks, forest, etc.) to meet the requirements of the Critical Area Program and/or Forest Conservation Regulations, as applicable. The bearings and the lengths of all arcs, radii, tangents, chords, and distances in tabular form.
- (bb) locations, widths and bearings of any areas to be maintained as permanent wildlife and plant habitat protection areas to meet the requirements of the Critical Area Program

and/or Forest Conservation Regulations, as applicable. The bearings and the lengths of all arcs, radii, tangents, chords, and distances in tabular form.

4.2.14 - Public Improvement Plans:

- (a) The subdivider shall obtain final technical design approval of all required street and storm drain plans, water and sewer plans, and Stormwater Management Final Plans prior to submitting for Final Plat review.
- (b) Public Improvement Plans shall be signed and sealed by registered professionals licensed in the State of Maryland as designated herein:
  - 1. Professional Engineer – All engineering and grading plans, road, grading and sediment control plans, as well as community sewer and water plans.
  - 2. Land Surveyor – Survey drawings, road, grading and sediment control plans.
  - 3. Landscape Architect – Grading and sediment control plans.
- (c) Following approval, the developer shall provide the Public Works Department with three (3) sets of all Public Works Improvement Plans.
- (d) Public Improvement Plans shall be prepared in accordance with the applicable regulations relating thereto.
- (e) The developer in the Cecil County Critical Area shall prepare and submit a planting plan and/or Forest Management Plan for areas where planting is required and a shoreline protection plan for areas of eroding shore to be stabilized.
- (f) The developer shall prepare and submit a Planting Plan, Forest Conservation Plan, or Forest Management Plan as required by the Forest Conservation Regulations.

4.2.15 - Public Works Agreements

Public Works Agreements or subdivision agreements must be recorded prior to the Department of Public Works' signing the record plat. Inspection and Maintenance Agreements must be recorded prior to the Department of Public Works' signing the record plat.

4.2.16 - Maintenance of Public or Common Open Space

A detailed proposal, including covenants, agreements, and other specific documents showing ownership and method of assuring perpetual maintenance to be applied to those areas of common open space, recreation areas, and habitat and resource protection areas in developments shall be required prior to recordation. All covenants and easements shall be reviewed and approved by the Planning Commission attorney prior to recordation of plats. Proposed covenant, easement or restrictions on private open space areas shall also be approved by the Planning Commission attorney.

In the case of private mini-roads, a detailed proposal, including covenants, mini-road maintenance agreements, and other specific documents showing ownership and method of assuring perpetual maintenance to be applied to those private mini-roads in developments shall be required prior to recordation. All agreements, covenants, and easements shall be reviewed and approved by the Planning Commission attorney prior to recordation of plats. Proposed covenants, easements or restrictions on private mini-roads shall also be approved by the Planning Commission attorney.

#### 4.2.17 - Landscape Agreement

The subdivider shall execute the necessary guarantees with the County Commissioners in the form of an escrow account, letter of credit, or bond with financial surety to guarantee that the requirements of the Forest Conservation Regulations will be met. Protective agreements to ensure the continued protection of certain areas shall also be executed and filed at the time financial securities are executed. Any guarantee shall be executed prior to the Director of the Office of Planning and Zoning's signing of the record plats.

## **ARTICLE V - REQUIRED IMPROVEMENTS**

### **SECTION 5.0 - Required Improvements - General**

Minimum improvements required for all subdivisions shall be as set forth in these regulations. Any construction required must be in accordance with the requirements of the Cecil County Board of County Commissioners.

### **SECTION 5.1 - Gas, Electric, Telephone, and Computing Utilities**

Extensions of distribution lines necessary to furnish permanent gas, electric, telephone, and/or computing (i.e. high speed internet, cable television) service to any residential, commercial, or industrial subdivision, shall be made in accordance with Public Service Commission Rules and existing tariffs.

### **SECTION 5.2 - Water and Sewer Facilities Required**

A proposed final plat shall be disapproved unless one of the following provisions are made for disposal of sewage and the provision of water:

- 5.2.1 - Each building lot has been approved for individual and/or community sewage and water facilities by the Health Department Approving Authority.
- 5.2.2 - Prior to Final Plat approval, a Public Works Agreement and/or Subdivision Agreement for community sewage facilities has been consummated with the Cecil County Department of Public Works in accordance with its rules and regulations and the necessary agreements have been executed with the private utility providing water and/or sewer service ensuring that the service will be provided.

### **SECTION 5.3 - Storm Water Management**

- 5.3.1 - No Final Plat of subdivision shall be approved unless a plan for storm water management is submitted by the developer and approved by the Cecil County Department of Public Works.
- 5.3.2 - Subdivisions may be exempted from this provision if, in the opinion of the Cecil County Department of Public Works, such plans are not required by virtue that little or no storm water problems will be created on-site by the subdivision. However, subdivisions located in the Intensely Developed Area (IDA) of the Cecil County Critical Area shall not be exempted from the requirement that pollutant loadings leaving the site be reduced by at least ten (10) percent of predevelopment loadings.

- 5.3.3 - In the event that storm water must be managed or contained on the site of the subdivision under review, improvements that must be constructed shall be constructed by the developer at the developer's expense.
- 5.3.4 - Storm water management facilities shall be planned, designed, improved, and constructed as required by the Cecil County Department of Public Works.

#### **SECTION 5.4** - **Monuments and Markers**

- 5.4.1 - The plat shall show the position by coordinates of not less than three monuments set sequentially so that the position of one monument is visible from the position of one other monument. From these monuments, commonly called "traverse points," every corner and line can be readily calculated and marked on the ground. These monuments shall be made of hard durable stone or concrete and shall be planted at least two and one-half (2 ½) feet into the ground. Existing corner stones and monuments can be used to satisfy this requirement.
- 5.4.2 - If the subdivision lies in an area where a recognized coordinate system is already established or existing monumentation is available, the coordinate values shall be noted on the plat in the same datum as those of the monumentation found.
- 5.4.3 - Markers shall be placed at all points of curvature along the street line, at all angle breaks, and at all lot corners not already monumented. Markers shall be steel bars or iron pipes at least five-eighths inches (5/8") in diameter and eighteen inches (18") in height.
- 5.4.4 - It shall be the responsibility of the developer to have all required monuments and/or markers installed prior to the issuance of any occupancy permits by Cecil County. The monuments and markers shall be bonded and guaranteed by a Public Works Agreement and/or Subdivision Agreement.
- 5.4.5 - The developer shall be responsible and pay all costs necessary to replace any Cecil County owned or installed monuments or control points disturbed by his development activities. Replacement shall be done only by a registered surveyor licensed to accurately place such monuments. Financial surety to restore any such monuments shall be secured by a Public Works Agreement and/or Subdivision Agreement.

#### **SECTION 5.5** - **Street Construction**

The subdivider shall provide for the complete construction of street improvements, drainage facilities, and sidewalks, in accordance with the requirements of the Cecil County Road Code. The developer shall be required to repair damage to County roads, drainage facilities, curbs, gutters and sidewalks as a result of grading or construction activities in his 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 that agency.

**SECTION 5.6**        -    **Final Grading Plan**

The Department of Public Works shall require a final site grading plan on all subdivisions containing interior streets and may require a final site grading plan for other subdivisions. This plan shall be submitted after the road plans have been approved by the Department of Public Works and before the final plats are approved. The final grading plan shall show the proposed grades around all roads, drainage ditches, sediment basins, berms, etc.

## **ARTICLE VI - OTHER DIVISIONS OF PROPERTY**

### **SECTION 6.0 - Planned Unit Development**

- 6.0.1 - Planned Unit Development (PUD) shall be permitted only as authorized by the Zoning Ordinance.
- 6.0.2 - The standards and requirements of these regulations may be modified by the Planning Commission in the case of those Planned Unit Developments that achieve substantially the objectives of the regulations contained herein and those that are further protected by such covenants or other legal provisions as will better assure conformity to the Cecil County Comprehensive Plan.
- 6.0.3 - PUD approvals by Special Exception, as authorized by the Zoning Ordinance, shall remain valid for as long as Concept Plats, as specified in these regulations. [See Section 4.0.9]
- 6.0.4 - PUD approvals by Special Exception, as authorized by the Zoning Ordinance, shall be eligible for Special Exception extensions, similar to Concept Plats, as specified in these regulations, except that the Board of Appeals must concur with any Planning Commission decision to extend said approval. [See Section 4.1]
- 6.0.5 - All planned unit developments shall conform to the requirements of the Forest Conservation Regulations, the Critical Area Program, and Stormwater Management Regulations.

### **SECTION 6.1 - Residential Cluster Development**

The intent of this article is to permit greater flexibility for attractive, creative and more environmentally sustainable design and to provide residential subdivision which incorporates permanent, usable open space and helps to reduce impervious area. These provisions, in accordance with Section 6.3 of these regulations, allow individual lot areas and yard requirements to be reduced so as to permit closer grouping or “clustering” of homes on a portion of the site if the land thus saved is used for permanent open space. Developers cannot, however, construct more dwelling units on the site than normally would be permitted in the respective zoning district. In order to obtain approval of plats under Residential Cluster Development, the following procedure shall be complied with:

- 6.1.1 - Concept Plan. A Concept Plat shall be submitted for Technical Advisory Committee and subsequent Planning Commission review to the Office of Planning and Zoning, and, in addition to any requirements set forth in Section 4.0.13, it shall show:
  - (a) General areas of building and the type of dwelling unit (single-family, townhouse, garden apartment, etc.).
  - (b) Street layout.
  - (c) Open space system.
  - (d) Vicinity map. (Scale: no smaller than 1" = 2000')
  - (e) Estimated staging of construction.

- (f) Topography with minimum 10' contours (USGS topographic maps are permitted for the concept plan).
  - (g) Number of acres in the entire tract.
  - (h) Overall density.
  - (i) Estimated impervious area (if in the Critical Area, lot coverage) avoided.
  - (j) An approved Conceptual Stormwater Management Plan prior to Planning Commission review.
- 6.1.2 - Preliminary Plat. The Preliminary Plat shall be submitted following the standard Preliminary Plat procedures as specified in Article IV.
- 6.1.3 - A Final Plat(s) shall be submitted in accordance with these regulations for approval, signature, and recordation. Final Plats filed on cluster development shall bear a statement indicating that the land lies within an approved residential cluster development.
- 6.1.4 - In addition, the following shall be observed:
- (a) Resubdivision shall not be permitted in cluster development so as to reduce lot areas below those permitted in the originally recorded Final Plat.
  - (b) The development of land within the cluster is permitted only in accordance with the approved site development plan on file at the Office of Planning and Zoning.
  - (c) The agreements concerning the ownership and maintenance of open space land shall be recorded prior to the recordation of the Final Plat.

## **SECTION 6.2** - **Condominiums**

In condominium development, the developer shall submit the necessary Preliminary Plat and Final Plat in accordance with the normal procedural requirements, and the Condominium Act of the Real Property Article of the Annotated Code of Maryland.

## **SECTION 6.3** - **Multi-Family Dwellings Site Development Plan**

No building permit or occupancy certificate shall be issued for the construction or use of any multi-family dwelling (townhouse, apartment, etc.) except in accordance with a Final Plat approved by the Planning Commission for the lot or tract on which such multi-family units are to be located. It is the intent and purpose of this regulation that multi-family development consist of varying design to avoid the monotony of repetitive development.

## **SECTION 6.4** - **Commercial and Industrial Subdivisions**

Commercial and industrial subdivision plats shall be submitted in the same manner and contain the same information, style and format as required of residential development.

- 6.4.1 - The Concept Plat shall follow the procedural requirements of Section 4.0. The Concept Plat may be eliminated, per Sections 2.0 and 4.0.1.



- 6.4.2 - The Preliminary Plat shall follow the procedural requirements of Section 4.1 and shall incorporate any necessary changes required as a result of any Concept Plat conditional approval and/or review.
- 6.4.3 - The Final Plat shall follow the procedural requirements of Section 4.2. The Final Plat shall include the entire tract and shall also include any public right-of-way as required by the Concept Plat or Preliminary Plat. In the event that only a portion of the entire tract is to be developed, the developer may elect to record only that portion of the tract together with any required public right-of-way.

**SECTION 6.5** - **Special Requirements Applicable to Residential, Commercial, and Industrial Subdivisions with Private Roads**

In developments designed and used exclusively for rental occupancy under single ownership, the maintenance of the local roads may be retained by the owner; however, the constructing of private roads shall meet Cecil County Road Code and Standard Specifications and Details for Highways and Structures.

In developments designed for lots or parcels to be individually owned by more than one owner (e.g., a condominium or industrial park), the maintenance of the local roads may be retained by a private road maintenance association under the ownership of the individual lot, lotominium, or parcel owners, provided that:

1. A variance is granted to create lots or parcels via the major subdivision process with road frontage on a road other than a public street or road; and
2. The construction of the private road(s) meets Cecil County Road Code and Standard Specifications and Details for Highways and Structures.

**SECTION 6.6** - **Manufactured Home Park Developments**

- 6.6.1 - Concept Plat. For manufactured home park developments, a Concept Plat shall be submitted to the Office of Planning and Zoning in accordance with Section 4.0.
- 6.6.2 - Preliminary Plat. For manufactured home park developments, a Preliminary Plat shall be submitted to the Office of Planning and Zoning in accordance with Section 4.1 and Maryland Department of Health and Mental Hygiene, Regulation No. 10.03.23, governing construction, equipment, sanitation, operation, and maintenance of mobile home parks.
- 6.6.3 - Final Plat. A Final Plat shall be submitted showing the final layout of the development as approved by the Planning Commission. The Final Plat shall be submitted in accordance with Section 4.2. The Final Plat shall be recorded after all approval signatures have been affixed.
- 6.6.4 - General Requirements. Condition of soil, ground water level, drainage, and topography shall not create hazards to the property or the health or safety of the occupants.

- 6.6.5 - Soil and ground cover requirements. Exposed ground surfaces in all parts of every manufactured home development shall be protected with materials capable of preventing soil erosion and of eliminating objectionable dust.
- 6.6.6 - Site drainage requirements. The ground surface in all parts of every manufactured home development shall be graded and equipped to drain all surface water in a safe, efficient manner, consistent with its approved Stormwater Management Final Plan.
- 6.6.7 - Street system and car parking
- (a) General requirements. All Manufactured Home Park developments shall be provided with safe and convenient vehicular access from abutting public streets or roads to each mobile home lot site. Such access shall be provided by streets or driveways.
- (b) Development entrance. Entrances to Manufactured Home Park developments shall be designed in accordance with State or County specifications to minimize congestion and hazards and allow free movement of traffic on adjacent streets. No parking shall be permitted on the entrance street for a distance of one hundred (100) feet from its point of beginning.
- (c) Internal streets. Surfaced roadways shall be of adequate width to accommodate anticipated traffic, and in any case shall meet the following minimum requirements:

<u>Street Type</u>	<u>ROW Feet</u>	<u>Pavement Feet</u>	<u>Curb and Gutter</u>
Collector	42	36	Yes
Local Access	34	28	Yes
Cul-de-sac	34	28	Yes

Internal streets may have thirty (30) foot wide ROW with twenty-four (24) foot pavements if two (2) off-street parking spaces per mobile home having frontage on the cul-de-sac are provided.

- (d) Street construction and design standards.
- (1) Ownership. All streets shall be privately owned and maintained by the owner.
- (2) Construction. All streets will be inspected by the County to insure adherence to these regulations and no permit will be issued until completion is certified by the County. The owner/developer will pay the standard inspection fee.
- (3) Grades. Grades of all streets shall be sufficient to insure adequate surface drainage, but shall not be more than ten (10) percent.

(4) Curb and gutter. All streets shall be provided with a concrete or asphalt curb and gutter.

(5) Intersections. Streets shall intersect at approximately right angles. A distance of at least one hundred (100) feet shall be maintained between center lines of offset intersecting streets. Intersections of more than two (2) streets at one point shall be avoided.

- 6.6.8 - Manufactured Home Sites. The area of the manufactured home site shall be improved to provide adequate support for the placement and tie-down of the manufactured home, thereby securing the super-structure against uplift, sliding, rotation, and overturning.
- (a) The manufactured home site shall be constructed so as not to heave, shift, or settle unevenly under the weight of the mobile home due to frost action, inadequate drainage, vibration, or other forces acting on the structure.
- (b) The manufactured home site shall be provided with anchors and tie-downs, such as cast-in-place concrete "dead men," eyelets imbedded in concrete foundation or runways, screw augers, arrowhead anchors, or other devices securing the stability of the manufactured home to be installed within thirty (30) days after the installation of the unit.
- (c) At least four (4) anchors and tie-downs shall be provided for each manufactured home site.
- 6.6.9 - An accessible, adequate, safe, potable, and central water supply shall be provided in each Manufactured Home Park development.
- 6.6.10 - An adequate and safe sewerage system shall be provided in all Manufactured Home Park developments for conveying and disposing of all sewage. Such system shall be designed, constructed, and maintained in accordance with State and County laws.
- 6.6.11 - All utilities, including, but not limited to, electric and telephone lines, shall be placed in accordance with rules and procedures established by the Maryland Public Service Commission.

## **ARTICLE VII - DESIGN STANDARDS AND REQUIREMENTS**

### **SECTION 7.0 - General Design Standards and Requirements**

- 7.0.1 - In designing a subdivision, the subdivider shall comply with the legislative intent, principles, and requirements of these regulations and all applicable standards established in pursuance of these regulations.
- 7.0.2 - The Office of Planning & Zoning and the Planning Commission, in considering an application for the subdivision of land, shall be governed by the consideration and standards contained herein.
- 7.0.3 - The subdivision layout shall be in conformance with the Comprehensive Plan and Zoning Ordinance as adopted or amended by the Board of County Commissioners. The subdivision layout shall be of such character and design that it protects the health, safety, and general welfare of the County and its residents. Subdivision layout in the Cecil County Critical Area shall, in addition to the above, conform to all applicable Critical Area regulations and be of such character that it protects water quality and plant and wildlife habitat.

### **SECTION 7.1 - Land Requirements**

- 7.1.1 - The land use goals and objectives of the Comprehensive Plan, the Critical Area Program, and the Zoning Ordinance shall form the basic theme of the design pattern of the proposed subdivision.
- 7.1.2 - The subdivision design shall consider the uniqueness of the site's topography, soils, forested areas and water bodies. The subdivision design shall also consider the relationship to, and connectivity to, adjoining subdivisions and land uses, both proposed and existing.

### **SECTION 7.2 - Highways, Streets, and Roads**

In designing a highway, street, or road system, the subdivider shall be guided by the following principles:

- 7.2.1 - Adequate vehicular, bicyclist, and pedestrian access shall be provided to all parcels.
- 7.2.2 - Local residential street systems shall be designed to minimize through traffic movement and to discourage excessive speed.
- 7.2.3 - Local street patterns shall provide reasonable direct access to the primary circulation system.
- 7.2.4 - Local circulation systems and land development patterns shall not conflict with the efficiency of bordering arterial routes.

- 7.2.5 - Elements in the local circulation system should be designed with the least amount of interruptions possible in order to function effectively and safely.
- 7.2.6 - Land uses which create high volumes of traffic within residential areas shall be considered in the design of the circulation pattern.
- 7.2.7 - Residential streets shall clearly relate to their local function.
- 7.2.8 - Pedestrian-vehicular, pedestrian-bicyclist, and bicyclist-vehicular conflict points shall be minimized.
- 7.2.9 - The number of intersections shall be minimized.
- 7.2.10 - Local streets shall be related to topography.
- 7.2.11 - Highways, streets, and roads shall be suitably located, of sufficient width, and adequately improved to accommodate the proposed traffic and afford access to police, fire fighting, emergency service, and road maintenance vehicles and equipment.
- 7.2.12 - Street design, right-of-way and paving shall be in accordance with these regulations and the Cecil County Road Code and Standard Specifications and Details for Highways and Structures.

#### A. RIGHT-OF-WAY WIDTHS AND PAVEMENTS REQUIREMENTS

1. Streets, as defined in "Definitions-Specific," shall require a minimum right-of-way and pavement width as stated in the Cecil County Road Code and Standard Specifications and Details for Highways and Structures.
2. Whenever a proposed subdivision includes or abuts a County owned or County maintained road, the Planning Commission shall require, by dedication to public use, adequate right-of-way for the coordination of roads within the subdivision with other existing, planned, or platted roads. Such dedication to the public use shall be to the full extent of the right of way as required by the Cecil County Road Code to permit sufficient width of the right of way to meet the applicable standards of the Cecil County Road Code.
  - a) Major and minor subdivisions shall dedicate a fee simple strip of land on the lots being created.
  - b) Any remaining road frontage not encumbered by a new lot shall dedicate a road widening easement along the total remaining road frontage.
  - c) The County shall prepare and execute with the landowner a fee simple dedication/easement agreement to be recorded in the land records for Cecil County. The fee simple dedication and/or road widening easement shall be indicated on the record plat.

- d) Any improvements located within the easement, such as fences, accessory buildings, etc., that need to be removed or relocated due to road construction, road widening activities, or installment of County owned utilities by the County or its contractor, shall be relocated, the minimum distance necessary, at the County's expense. The County shall coordinate, insofar as possible, any removal or relocation with the property owner.
  - e) Properties that have sold their development rights to the Maryland Agricultural Land Preservation Foundation (MALPF) shall not be required to provide the fee simple dedication or easement if they are creating a lot, to the extent that said dedication shall cause the property owner to be in violation of the owner's MALPF agreement, but the owner shall agree to provide said dedication upon termination of the MALPF agreement.
3. Where a proposed street involves State jurisdiction and is designated on the State Highway Plan and no definite alignment has been established, the Planning Commission may withhold approval of a subdivision plat for not more than one hundred eighty (180) days from the application date to permit the State Highway Administration, if they so desire, to establish an accurate road alignment.
  4. Coordination with the State Highway Administration shall be required where existing or proposed state highways are involved.

**B. LAYOUT**

1. The street system layout shall be continuous in alignment and grade with existing streets, and planned or platted streets, with which they are to connect.
2. Rights-of-way for proposed streets shall be extended to the boundary lines of the proposed subdivision so that a connection can be made to all adjacent properties unless such extension is not feasible because of topography, or other physical conditions. No subdivision shall be designed so as to create or perpetuate the landlocking of adjacent undeveloped land.
3. Dead-end streets are prohibited except to permit future extensions to adjoining tracts in which case, temporary turnarounds shall be provided in accordance with the Cecil County Road Code. Where necessitated by topography, or where they are appropriate for the type of development contemplated and they are of reasonable length, they shall be designated as cul-de-sacs.
4. Land dedicated or reserved for State and/or County street widening shall not be counted in satisfying the minimum yard and/or minimum lot area requirements of the Zoning Ordinance but can be counted in computing density on the gross acreage.
5. Where lots in the proposed subdivision are large enough to permit resubdivision and/or a portion of the tract is left unsubdivided, then appropriate rights-of-way shall be provided to

permit future subdivision activity. The above shall not apply where recorded restrictions are placed on resubdivision of the reserved parcel.

6. Street names shall be approved by the Department of Emergency Services, and subdivision names shall be approved by the Office of Planning & Zoning. Such names shall not duplicate those used elsewhere in the County and must be approved prior to Planning Commission review of the preliminary plat. Furthermore, all proposed suffixes and prefixes for street names shall not deviate from the standard suffixes and prefixes adopted by the United States Postal Service.
7. Street system layout shall provide for the acceptable disposal of storm water and provision shall be made by the developer to handle storm water to comply with provisions elsewhere in these regulations and in the Standard Specifications and Details for Highways and Structures.
8. The street system layout shall be designed to preserve natural features such as, but not limited to, trees, water bodies, and steep slopes. A looped road system shall be considered in new subdivisions proposing more than twenty-five (25) lots. The physical and environmental characteristics of the property shall be considered in determining the feasibility of a looped road system.
9. Cul-de-sac streets longer than one thousand five hundred (1,500) feet shall be designed with mid-block turnarounds, such that the distance between the subdivision entrance and the mid-block turnaround, the distance between two mid-block turnarounds, or the distance between a mid-block turnaround and the cul-de-sac terminus shall be no greater than one thousand two hundred (1,200) feet. Mid-block turnarounds shall be designed in accordance with the Cecil County Road Code. Downhill cul-de-sacs are to be avoided wherever possible.
10. Cul-de-sac streets shall be provided with a paved turnaround at the closed end in accordance with the provisions of these regulations and the Road Code.
11. Where a major subdivision plat includes only part of the tract owned by the developer, a sketch plat layout of proposed streets and roads for the entire tract shall be submitted.
12. Unobstructed easements at least ten feet in width shall be required to facilitate pedestrian walkways to commercial facilities, community recreational areas, schools, or other nearby streets where existing access is inadequate. Such easements shall be indicated on the record plat and the developer shall prepare and execute with the County an easement agreement to be recorded in the land records for Cecil County.
13. Where topography or other conditions make impractical the inclusion of utilities, drainage facilities, and/or street trees within street rights-of-way, perpetual unobstructed easements for such utilities and street trees shall be provided across property outside the street right-of-way. For utilities, said easements shall be at least five feet in width, and for street trees, said easements shall be at least ten feet in width. The easements' usage and location shall be approved by the Department of Public Works.

14. Roads serving developments within the Critical Area shall be located and designed in accordance with all applicable regulations from the County Zoning Ordinance and Critical Area Program.

#### C. GRADES

1. Street grades shall conform as closely as possible to the original topography and shall be designed to produce usable lots.
2. Street alignment and grades of streets shall be arranged to obtain as many building sites as possible at or above the elevation of the abutting street.
3. Grades of streets shall adhere to the design standards in the Cecil County Road Code and shall not, in general, exceed those standards.

#### D. ALIGNMENT

Horizontal and vertical alignment for streets shall conform to the Cecil County Road Code and Standard Specifications and Details for Highways and Structures.

#### E. INTERSECTIONS

1. Streets shall be laid out to intersect as close to right angles as possible, but in no case shall any intersection of less than 75 degrees be considered.
2. Multiple intersections involving junctions of more than two (2) streets shall be avoided.
3. The right-of-way lines of corner lots at an intersection shall be truncated by straight lines joining points twenty-five (25) feet back from the intersection in each quadrant. In a case where more width is deemed necessary to provide safe sight distance or for traffic channelization, the Office of Planning & Zoning shall specify a greater cut-off than normally cited above.
4. Intersections with State highways shall be located not less than seven hundred fifty (750) feet apart; measured from centerline to centerline. Intersections with County arterial roads, as determined by the official County Road Map, shall be located not less than four hundred fifty (450) feet from centerline to centerline.
5. Roadways intersecting opposite sides of another roadway shall be laid out either directly opposite one another or with a minimum of one hundred twenty-five (125) feet between their centerlines.
6. Minimum curb radii and paving radii at street intersections shall adhere to the Road Code and Standard Specifications.

#### F. LOT ACCESS TO STREETS, ROADS, HIGHWAYS



1. The Planning Commission shall have the right to approve or disapprove any point of ingress or egress to any lot, tract, parcel or development from any street or highway.
2. The Planning Commission may require the subdivider to provide ingress and egress to a particular lot or tract through the remainder of his property or other properties over which he has control.
3. In approving ingress or egress from any State highway, the Commission shall solicit the technical assistance and opinion of the State Highway Administration and may only approve those access points that are not in conflict with State Highway Administration policies and procedures.
4. Where a proposed commercial, industrial, or residential major subdivision involves frontage on an expressway, freeway, major arterial or a minor arterial, highway or street, the street layout shall provide vehicular access to such subdivision by one of the following means:
  - (a) A parallel street, supplying frontage for lots backing onto the street or highway; or providing the approach for vehicles to a development.
  - (b) A series of cul-de-sacs or short loops entered from and planned at right angles to the major highway. Cul-de-sacs or short loop streets may not be established within seven hundred fifty (750) feet of existing or proposed streets, reserve strips, common driveways, right-of-way stubs or other cul-de-sacs or short loop streets.
  - (c) An access drive, separated by a planting strip from the highway to which vehicular access from the drive is provided at points suitably spaced.
  - (d) A reserve strip of fifty (50) feet in width may be used to provide vehicular access to no more than two (2) lots (not including original parcel). Reserve strips may not be established within seven hundred fifty (750) feet of existing or proposed streets, common driveways, right-of-way stubs or other reserve strips. Access to the lots shall be solely by means of the reserve strips. Before a third lot (not including the original parcel) may be approved for access from the reserve strip, the reserve strip shall be designed and constructed according to public road standards contained in the Road Code and dedicated to public use.
  - (e) Common driveways should be utilized where possible.
  - (f) Where any of the aforementioned arrangements are used, the statement "Vehicular egress and ingress restricted" shall be shown and the area of said restriction delineated on the final subdivision plat.
5. Where a proposed development is planned to utilize more than two panhandle lots on the original parcel, the approving authority may, at its discretion, require alternative means of access in the form of a road constructed to an appropriate county standard when it would lead to a more harmonious design, a better utilization of the land, or the elimination of safety hazards. The approving authority may disapprove any proposed division of land when it finds that due to topography, drainage, entrance locations, pattern of adjacent development, or

design, that the resulting lot would impair the orderly growth and division of the remainder of the property or any adjacent property.

**G. ACCEPTANCE**

The approval of a final subdivision plat shall not be deemed to constitute or imply the acceptance by the County of any street shown on said plat. Acceptance of streets into the Cecil County Highway System occurs only after all public improvements have been completed in accordance with the requirements of the Board of County Commissioners, as expressed in the Cecil County Road Code.

**SECTION 7.3 - Block Shape**

Block length and width or acreage within bounding streets shall be such as to accommodate the lot size and lot area required by the Zoning Ordinance and to provide for convenient access, circulation control, and safety of street traffic.

- 7.3.1 - With the exception of Planned Unit Developments and cluster subdivisions, the maximum block dimension shall be eighteen hundred (1800) feet. In the design of blocks longer than one thousand (1000) feet, special consideration shall be given to the provisions of pedestrian interior walkways near the center, or wherever most useful to facilitate pedestrian circulation to a school, park, recreation area, shopping center, bus stop, or other significant neighborhood destination. Walkways will only be approved if maintained by individual lot owners, a homeowners' association, or similar organization.
- 7.3.2 - Residential blocks shall be of sufficient depth to accommodate two tiers of lots of minimum depth, except where double frontage lots bordering a controlled-access highway/street or floodplain are used.

**SECTION 7.4 - Lot Sizes**

- 7.4.1 - With the exception of Planned Unit Developments and cluster subdivisions, the size, width, depth, shape, orientation, and yards of lots shall not be less than specified in the Zoning Ordinance for the district within which the lots are located and shall be appropriate for the type of development, the use contemplated, and future utilities.
- 7.4.2 - The relation of the depth of any single family lot to its width at the building restriction line, generally shall not be greater than three to one, and only one principal building shall be permitted on any such lot. Flag, pipe-stem, or panhandle lots are permitted, but no more than two such lots may have adjoining driveway entrances to a public right-of-way. In addition, any subdivided lot greater than five (5) acres in size may be required to provide a fifty (50) foot wide panhandle, otherwise the minimum size shall be twenty-five (25) feet.
- 7.4.3 - Side lot lines shall be at right angles or radial to street lines, unless a variation from this rule will lead to a better subdivision design as determined by the Office of Planning & Zoning and/or Planning Commission.

- 7.4.4 - Lots which abut two streets, other than corner lots, will be permitted only when necessary to avoid fronting lots on non-access streets and highways or where their use will produce advantages in meeting special situations in relation to topography, good site planning, and proper land use.
- 7.4.5 - Lots should not derive direct access from freeways, expressways, major arteria, or minor arterial highways or streets.
- 7.4.6 - Minimum lot areas and widths shall comply with the applicable sections of the Zoning Ordinance of Cecil County.

#### **SECTION 7.5** - **Constraints on Development**

This section sets forth minimum restrictions with regard to floodplains, waterfront, and other sensitive development areas by virtue of their susceptibility to erosion and degradation, leaving as much latitude as possible to the developer and the County to resolve conditions of each individual proposal.

##### **7.5.1 - Floodplain Development**

All development within designated floodplain zones shall adhere to the provisions of Article XI, Part III of the Cecil County Zoning Ordinance.

##### **7.5.2 - Development in the Chesapeake Bay Critical Area**

All development within the Chesapeake Bay Critical Area shall adhere to the provisions of Article XI, Part I of the Cecil County Zoning Ordinance. In addition to the requirements stated therein:

- (a) Any required conceptual environmental assessment shall be approved prior to the Planning Commission's review of the Concept Plat;
- (b) Any required preliminary environmental assessment shall be approved prior to the Planning Commission's review of the Preliminary Plat; and
- (c) Any required final environmental assessment and/or landscape plan shall be approved prior to the Planning Commission's review of the Final Plat.

##### **7.5.3 - Forest Conservation Regulations**

All proposed development and/or subdivisions shall adhere to the requirements of the Cecil County Forest Conservation Regulations and Forest Conservation Technical Manual. In addition to the requirements stated therein:

- (a) Any required forest stand delineation shall be approved prior to the Planning Commission's review of the Concept Plat;

- (b) Any required preliminary forest conservation plan shall be approved prior to the Planning Commission's review of the Preliminary Plat; and
- (c) Any required final forest conservation plan and/or landscape plan shall be approved prior to the Planning Commission's review of the Final Plat.

#### 7.5.4 - Development of Areas of Steep Slope

- (a) Development of land with slope exceeding 15% is generally undesirable, but it is possible through good planning, design, and construction to utilize such sites responsibly and achieve unique and attractive results. It is the purpose of this section to stress the undesirability of conventional development on steeply sloped sites, but to encourage sound proposals for unique solutions. On slopes between 15% and 25%, good engineering practices shall be used to insure sediment and erosion control and slope stabilization before, during, and after disturbance activities and to minimize cut and fill.
- (b) No structure or impervious surface shall occur on any slope with a grade of 25% or more covering a contiguous area of 10,000 square feet or more.
- (c) In the Critical Area, development on slopes greater than 15% shall be prohibited unless such development is demonstrated to be the only effective way to maintain or improve slope stability. Any such development shall be consistent with all provisions of Article XI, Part I of the Cecil County Zoning Ordinance.

#### **SECTION 7.6** - **Preservation of Natural Cover**

- (a) Land to be subdivided shall be designed and improved in reasonable conformity to existing topography, in order to minimize grading, cut and fill; to retain, insofar as possible, the natural contours; to minimize stormwater run-off; and to conserve the natural forest 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 Sediment Control Plan approved by the Soil Conservation District.
- (b) Subdivisions and development in the Cecil County Critical Area are encouraged to increase natural vegetation on the development site.
- (c) Subdivisions located in the Cecil County Critical Area shall meet the minimum standards for forest and developed woodlands as contained in Article XI, Part I of the Cecil County Zoning Ordinance.

## APPENDIX A

### MAJOR SUBDIVISION DEVELOPMENT REVIEW FEE SCHEDULE

<u>MAJOR SUBDIVISIONS</u>	(Concept, Preliminary, Preliminary-Final, and Final Plat submittals to the Technical Advisory Committee or the Planning Commission, per submittal)					
0-19 units	.	.	.	.	.	\$125 + \$ 10/unit
20-49 units	.	.	.	.	.	\$150 + \$ 9/unit
50-99 units	.	.	.	.	.	\$175 + \$ 8/unit
100-249 units	.	.	.	.	.	\$350 + \$ 7/unit
250 units and over	.	.	.	.	.	\$500 + \$ 6/unit
<u>Revisions After Approval</u>	.	.	.	.	.	\$250
<u>Extension of Approval</u>	.	.	.	.	.	\$250
<u>Check Print Reviews</u>						
0-99 units	.	.	.	.	.	\$125 + \$ 4/unit
100-249 units	.	.	.	.	.	\$175 + \$ 5/unit
250 units and over	.	.	.	.	.	\$500 + \$ 6/unit

## **APPENDIX “B”**

### **MAJOR SUBDIVISION DEVELOPMENT REVIEW** **SUBMITTAL SCHEDULE**

#### **MAJOR SUBDIVISIONS**      (Concept, Preliminary, Preliminary-Final, and Final Plats)

##### **Technical Advisory Committee (TAC)**

The TAC meets the 1<sup>st</sup> Wednesday of each month at 9:00 a.m. to review Concept, Preliminary, Preliminary-Final Plats. The deadline to submit plats for TAC review is Wednesday at 4:30 p.m., two weeks prior to the TAC meeting. If the scheduled TAC meeting date falls on a public holiday, then the submittal deadline remains Wednesday at 4:30 p.m., two weeks prior to the regular TAC meeting date, had the public holiday not fallen on that date.

19 plat copies are required, 20 if any part of the project is in the Critical Area.

If a Traffic Impact Study (TIS) is required, it is the responsibility of the applicant to ensure copies are distributed not less than forty-five (45) days prior to the TAC review date, as follows:

Cecil County Department of Public Works	2 copies
Cecil County Office of Planning & Zoning	2 copies
Maryland State Highway Administration	5 copies

When required, 11 copies of environmental assessment must be submitted.

##### **Planning Commission**

The Planning Commission meets the 3<sup>rd</sup> Monday of each month at either 10:00 a.m. or 12 noon (depending on the length of the agenda).

16 plat copies are required, 17 if any part of the project is in the Critical Area. The deadline to submit plats for Planning Commission review is the 3<sup>rd</sup> Thursday of the previous month at 4:30 p.m.