

**Chapter 74**

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**[HISTORY: Adopted by the Town Commissioners of the Town of Perryville 5-5-81. Amendments noted where applicable.]**

GENERAL REFERENCES

Planning and Zoning Commission – See Chapter 14.  
Zoning Board of Appeals – See Chapter 20.  
Building Construction – See Chapter 32.  
Soil erosion and sediment control – See Chapter 71.  
Stormwater management – See Chapter 73.  
Zoning – See Zoning Ordinance No. 2005-1 adopted 1-20-2005.  
Fees – See Chapter A86.

**ARTICLE I**  
**Title; Applicability; Purpose**

**§74-1. Title.**

This chapter shall be known, referred to and cited as the “Land Subdivision Ordinance of Perryville, Maryland”.

**§74-2. Applicability.**

This chapter shall apply to the incorporated territory of Perryville, Maryland, within the area encompassed by the adopted transportation plan of the Town. The regulations contained herein are adopted under the authority of Article 66B, Code of Public General Laws of Maryland, as amended, and shall be in addition to any regulations pertaining to land subdivision promulgated by the State Department of Health and Mental Hygiene or other agency of the State of Maryland and, in the case of any conflict, the more exacting regulation shall prevail.

**§74-3. Purpose. (Amended 5-26-88)**

This chapter has been established for the purpose of building and accomplishing the coordinated and harmonious development of the Town of Perryville, Maryland, and its environs, in order to promote, in accordance with present and future needs, the health, safety, morals, order, convenience, prosperity and general welfare of the citizens of the Town. In the accomplishment of this purpose, the regulations as herein established provide for, among other things, efficiency and economy in the process of development; the proper arrangement of streets, in relation to each other and to the existing and planned streets and other features of the Comprehensive Plan of the Town; adequate open spaces for recreation, light and air; convenient distribution of population and traffic; adequate provision for public utilities and other public facilities; and other requirements for land subdivision which will tend to create conditions favorable to the health, safety, convenience and prosperity of the citizens of Perryville, Maryland, and its environs. Furthermore, in accordance with the Town of Perryville critical area program, this chapter has been established for the protection of wetlands, streams, areas of steep slopes, highly erodible and other soils with development constraints, shorelines and plant and wildlife habitats. These regulations for procedures and standards in subdividing land are adopted and prescribed by the Town of Perryville.

**ARTICLE II**  
**Word Usage; Definitions**

**§74-4. Word usage.**

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

- A. The singular number includes the plural and the plural the singular, unless the context clearly indicates the contrary.
- B. Words used in the present tense include the past and future tenses, and the future the present.
- C. The word “shall” is always mandatory. The word “may” is permissive.
- D. The word “public” means “open to common use,” whether or not public ownership is involved.
- E. Words and terms not defined herein shall be interpreted in accord with their normal meanings and customary usage.

**§74-5. Definitions.**

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

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

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

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

**CROSSWALKWAY** – A public way intended for pedestrian use and excluding motor vehicles, which cuts across a block in order to furnish improved access to adjacent streets or properties.

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

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

**ENGINEER** – The Town Engineer of Perryville, who shall be a qualified civil engineer designated by the Town Commissioners.

**HEALTH OFFICER** – The Health Officer of the county.

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

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

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

**LOT LINE** – The boundary line of the lot.

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

**MAJOR THOROUGHFARE** – A street or highway so designated in the transportation section of the Perryville Comprehensive Plan.

**MINOR STREET** – A street other than a major thoroughfare or collector street and intended primarily for providing access to abutting properties.

**PLANNING COMMISSION** – The Perryville Planning and Zoning Commission.

**REGULATIONS** – The whole body of regulations, tests, charts, diagrams, notations and references contained or referred to in this chapter.

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

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

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

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

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

**SUBDIVISION** – The division of any tract or parcel of land into two (2) or more plots, parcels, lots or sites, for the purpose, whether immediate or future, of transfer of ownership or of building development. The term shall include resubdivision and, where appropriate to the context, shall relate to the process of subdividing or to the land subdivided.

**§74-6. Definitions applicable to critical area. (Added 5-26-88.)**

Definitions applicable to the Perryville critical area shall be the same as those contained in the Perryville Zoning Chapter.<sup>1</sup>

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<sup>1</sup> Editor’s Note: See Zoning Ordinance No. 2005-1 adopted 1-20-2005.

**ARTICLE III**  
**General Provisions**

**§74-7. Plat required.**

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

**§74-8. Plat approval required prior to recording.**

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

**§74-9. Transfer of land prior to recording prohibited.**

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

**§74-10. Compliance with requirements.**

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

**ARTICLE IV**  
**Procedures for Plat Submission and Approval**

**§74-11. Sketch plan; consultations.**

- A. Before undertaking the preparation of a subdivision plat, the subdivider shall have prepared a sketch of the property in question, drawn to approximate scale, showing the boundaries, general topography, important physical features and other significant information, as well as the proposed scheme for development of the property, including the proposed street and lot locations, areas to be reserved for public use and proposed improvements. The subdivider shall also show, on the sketch plan of the property in question, the critical area boundary line on parcels created, habitat protection areas, forests and developed woodlands on or in the vicinity of the proposed minor subdivision, limits of tidal wetlands and the mean high water line. When applicable, the subdivider shall show the location and extent of existing and/or proposed erosion control measures. The subdivider shall include an environmental assessment with the sketch plan. **[Amended 5-26-88]**
- B. The subdivider shall then consult with the Planning Commission or its staff to ascertain the location of proposed major streets, highways, parks, playgrounds, school sites and other planned public improvements, and to determine the zoning regulations and other requirements related to, affecting or applying to the proposed subdivision. The subdivider shall also consult with the Engineer and the Health Officer on the proposed street layout and the proposed facilities for sanitary sewage disposal, storm drainage and water supply to serve the proposed subdivision. The purpose of these consultations is to assist the subdivider by furnishing information and advice, in order to expedite matters for the subdivider, save him unnecessary expense and promote the best coordination between the plans of the subdivider and those of the Town.

**§74-12. Preliminary plat.**

- A. The subdivider shall then prepare a preliminary plat of the proposed subdivision conforming to the requirements for the preparation of such plat as set forth in Article VI. At least two (2) weeks prior to a regularly scheduled meeting of the Planning Commission at which action on such plat is desired, the following items shall be filed with the Secretary of the Planning Commission:
- (1) Three (3) black-line or blue-line prints of the preliminary plat.
  - (2) Supporting statements on required improvements and proposed deed restrictions, as set forth in Article VI.
  - (3) An application for the approval of the plat on a form to be supplied by the Planning Commission.



- (4) A nonrefundable application fee from the fee schedule as set by the Town Commissioners.<sup>2</sup>
- B. The preliminary plat shall be checked by the Planning Commission or its staff for its conformity with the transportation plan and other pertinent features of the Comprehensive Plan of the Town, the applicable zoning and other regulations and the design principles and standards and requirements for submission as set forth in this chapter. Copies of the preliminary plat shall be referred to the Engineer, Health Officer and other appropriate public officials concerned with public improvements or health requirements, for review, comments and approval.
- C. As applicable, the preliminary plat will also be checked by the Town of Perryville Planning Commission or its staff for its conformity with the Town of Perryville critical area program, the requirements of the zoning and subdivision regulations of the Town and the recommendations of any authorized federal, state and county agencies. Incomplete plats, or those lacking the required information, shall be returned to the subdivider for completion and subsequent resubmission. **[Added 5-26-88]**

**§74-13. Hearing; tentative approval.**

- A. A hearing on the preliminary plat shall be held at the next regular meeting of the Planning Commission. No hearing shall be held by the Planning Commission until notice thereof shall have been sent to the subdivider and to such other interested parties as may be determined by the Planning Commission. At the hearing, the Planning Commission shall submit its findings and recommendations, together with those of the other public officials to who copies were referred. The Planning Commission shall either tentatively approve or disapprove the preliminary plat, or it may approve the plat subject to specific changes or modifications. One (1) copy of the preliminary plat, with any comments, shall be returned to the subdivider, with other copies retained in the files of the Planning Commission.

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<sup>2</sup> Editor's Note: See Chapter A86, Fees.

- B. Tentative approval of a preliminary plat shall be valid for not more than two (2) years. Unless a final plat (substantially in accordance with the approved preliminary plat and including any required changes or modifications) shall be filed with the Planning Commission within two (2) years from the date of approval of the preliminary plat, the Planning Commission's approval of the Preliminary Plat shall be deemed canceled and of no legal effect. However, the final plat may include only a portion of the area included within the preliminary plat, and those final plats for remaining portions may be filed at a later date without a new preliminary plat, subject to any changes in the regulations contained herein made after such two year period; provided however, that said additional final plat(s) is filed within two years of the most recent approval of a final plat for the subdivision. If no additional final plat(s) is filed within any two year period of time, a new preliminary plat for the remainder of the subdivision for which a final plat(s) has not been recorded will be required. In reviewing and approving or rejecting said new preliminary plat, the Planning Commission shall not be bound by any prior approval granted of a previous preliminary plat. **[Amended 2-1-2000 by Ord. No. 99-08]**

**§74-14. Submission of plans for installation of improvements.**

Following tentative approval of the preliminary plat, the subdivider shall prepare and submit plans for the installation of those improvements which he is required to make under the provisions of this chapter. Copies of such improvement plans shall be submitted to the Perryville Planning Commission for approval. Upon being notified that such improvement plans have been approved, the subdivider shall proceed with either the installation of such improvements prior to filing a final plat for the subdivision with the Planning Commission or, in lieu of completing the required improvements prior to such filing, the subdivider may furnish the Town Commissioners with a cash deposit, performance bond or a secured line of credit, executed in accordance with the provisions of 74-28 of this chapter.

**§74-15. Submission of final plat.**

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

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

- (1) Three (3) copies of the plat on linen or dimensionally stable plastic film.
- (2) Six (6) black-line or blue-line prints of the plat.
- (3) A properly executed statement of dedication of all streets in the subdivision to the appropriate jurisdiction, constituting an irrevocable offer to dedicate for a period of not less than five (5) years from the date of its filing with the Planning Commission.
- (4) An application for approval of the plat on a form to be supplied by the Planning Commission.
- (5) **[Added 5-26-88]** For subdivisions in the critical area, the following shall be tabulated:
  - (a) The total area of the subdivision or parcels to be recorded in the Critical Area District.
  - (b) The total number of lots in the Critical Area District.
  - (c) The residential density in the Critical Area District.
- (6) For subdivisions in the critical area, accurate outlines (metes and bounds, where required) of any common or reserved areas or portions of lots to be maintained by covenant, easement or similar approved instrument, in permanent forest cover, including existing forested areas, reforested areas and afforested areas. **[Added 5-26-88]**
- (7) For subdivisions in the critical area, accurate outlines (metes and bounds, where required) of any areas to be maintained as permanent wildlife and plant habitat protection areas. **[Added 5-26-88]**

**§74-16. Final plat approval and recording.**

A. Upon receipt by the Planning Commission of evidence of the satisfactory completion of required improvements, or the posting of a cash deposit, performance bond or a secured line of credit therefore, the Planning Commission shall consider approval of the final plat at its next regular meeting. If the final plat is found to comply with the requirements of this chapter, the intent and philosophy of the Perryville Comprehensive Plan and with the preliminary plat as approved, the Planning Commission shall approve said plat and endorse the fact of such approval

on each of the several copies submitted by placing the signature of its Chairman thereon.

- B. The Planning Commission shall approve or disapprove the final plat within thirty (30) days after the filing of such plat with the Secretary of the Planning Commission; otherwise, such plat shall be deemed to have been approved, and a certificate to that effect shall be issued by the Planning Commission on demand; provided, however, that the subdivider may waive this requirement and consent to an extension of such period. The grounds for the disapproval of any final plat shall be stated upon the record of the Planning Commission.
- C. Upon approval of the final plat by the Planning Commission, the three (3) signed copies of the plat on linen or plastic film shall be filed by the subdivider with the Clerk of the Circuit Court. The signed black-line or blue-line prints shall be forwarded by the Planning Commission to the Supervisor of Assessments, the State Department of Health, the Health Officer and the Engineer, with one (1) print retained by the Planning Commission and one (1) print returned to the subdivider.

## **ARTICLE V**

### **Design Standards and Requirements**

#### **§74-17. Compliance.**

- A. The subdivision layout shall conform in all essential respects to the official transportation plan and other aspects of the adopted Comprehensive Plan for the Town.
- B. The subdivision layout shall be in full compliance with the provisions of the zoning districts in which it is located.
- C. The subdivision layout shall be designed in accordance with the principles and standards contained in this Article, with the objective of achieving the most advantageous development of the subdivision and adjoining areas.
- D. The subdivision layout in the Town of Perryville critical area shall conform to the Town of Perryville critical area program and be of such character that it protects water quality and plant and wildlife habitat. **[Added 5-26-88]**

**§74-18. Suitability of land.**

- A. Land subject to periodic flooding shall not be subdivided for commercial, industrial or residential occupancy nor for any other use which might involve danger to health, life or property or aggravate the flood hazard, and such land within any proposed subdivision shall be reserved for uses which will not be endangered by periodic or occasional inundation.
- B. A plat for the subdivision of land with poor drainage or other adverse physical conditions will be considered for approval only if the subdivider shall agree to make whatever improvements are necessary, in the judgment of the Planning Commission, to render the land safe and otherwise acceptable for development, and to file an environmental impact statement with the Planning Commission concerning the environmental impacts of such improvements.

**§74-19. Street layout.**

- A. The street layout shall be designed to create desirable building sites while respecting existing topography, minimizing street grades, avoiding excessive cuts and fills and preserving trees to the maximum extent possible.
- B. Streets shall be spaced to allow for blocks meeting the dimensional requirements contained herein and to minimize the number of intersections with existing or proposed major thoroughfares.
- C. Where the subdivision adjoins or embraces any part of a major thoroughfare as designated on the transportation plan, the layout of such subdivision shall provide for the platting and dedication of such part of the major thoroughfare in the location and at the width indicated on such plan, except that the subdivider shall not be required to dedicate that part of such major thoroughfare which is in excess of eighty (80) feet in width.
- D. Wherever deemed desirable to the layout of the subdivision and adjoining areas, the Planning Commission may require the platting and dedication of one (1) or more collector streets, or parts thereof, to serve the subdivision.
- E. Minor residential streets, intended primarily for access to individual properties, shall be so arranged as to discourage their use by through traffic.
- F. Streets shall be laid out to intersect one another at as near to right angles as topography and the limiting factors of good design will permit, and no street shall intersect another street at an angle of less than sixty degrees (60°).
- G. Proposed streets in the subdivision shall provide for the continuation of existing, planned or platted streets on adjacent tracts, unless such continuation shall be

prevented by topography or other physical condition, or unless such extension is found by the Planning Commission to be unnecessary for the coordination of development between the subdivision and such adjacent tract

- H. Where the Planning Commission deems it desirable or necessary to provide access to adjacent tracts not presently subdivided, proposed streets in the subdivision shall be extended to the boundary lines with such adjacent tracts, and temporary turnarounds shall be provided at the ends of such streets by means of temporary easements or otherwise.
- I. Reduction of impact of heavy traffic.
  - (1) Where the subdivision abuts or contains a primary highway as designated on the transportation plan, the Planning Commission may require that measures be taken to reduce the impact of heavy traffic on the residential lots abutting or fronting upon such highway and to afford separation of through and local traffic, through one (1) of the following means:
    - (a) By providing vehicular access to such lots by means of a service drive separated from the major thoroughfare by a planting strip and connecting therewith at infrequent intervals.
    - (b) By designing reverse frontage lots having access only from a parallel minor street or from cul-de-sac or loop streets, and with vehicular access to such lots from the major thoroughfare prohibited by deed restrictions or other means.
  - (2) The choice of the most appropriate method of accomplishing the desired purpose in a specific instance shall be made by the Planning Commission, giving consideration to topography and other physical conditions, the character of existing and contemplated development in the subdivision and its surroundings and other pertinent factors.
- J. Cul-de-sac streets, generally not exceeding six hundred (600) feet in length, shall be permitted where they are necessitated by topographic conditions or where, in the judgment of the Planning Commission, they are appropriate to the type of development contemplated.
- K. Alleys shall be provided in commercial and industrial areas, unless adequate access to parking and loading areas is provided by other means. Alleys will not be permitted in residential areas, except for providing rear access to row or townhouse dwellings or where required by topographic or other unusual conditions. In the absence of alleys, easements will be required for utility lines or drainage facilities.
- L. Half streets will be prohibited, except where they are essential to the reasonable development of the proposed subdivision in conformity with the other requirements

of these regulations and where the Planning Commission finds that it will be practicable to require dedication of the remaining half when the adjoining property is subdivided. Wherever a half street adjoins the proposed subdivision, the remaining half of the street shall be platted within such subdivision.

- M. Private streets shall not be permitted in any proposed subdivision.
- N. Roads or streets serving development shall be located to avoid disturbances to habitat protection areas. When no alternative exists and such infrastructure must cross or be located in habitat protection area, the developer shall demonstrate how impacts to habitats have been minimized and that no feasible alternative location of such infrastructure exists. **[Added 5-26-88]**

**§74-20. Street design standards.**

- A. Right-of-way widths. Right-of-way widths for primary and secondary highways shall be as designated in the transportation plan, and in any case not less than one hundred fifty (150) feet for primary highways and eighty (80) feet for secondary highways; provided, however, that widths above these minimums may be required by state officials to meet particular traffic conditions. Right-of-way widths for other street types shall be not less than sixty (60) feet for commercial and industrial areas, fifty (50) feet for collector streets, forty (40) feet for minor streets in residential areas, forty (40) feet for service drives and sixteen (16) feet for alleys.
- B. Roadway widths. Roadway widths for primary and secondary highways shall be not less than the minimum specified by state officials, but in any case not less than twenty-four (24) feet with ten-foot shoulders. Roadway widths for other street types shall be not less than the following:
  - (1) Collector streets and minor streets in multiple-family residential: thirty (30) feet, with curbs and gutters, except that streets serving lots of one (1) acre or more may, with the approval of the Planning Commission, have a minimum roadway width of twenty-four (24) feet.
  - (2) Minor streets in single-family residential areas and service drives: twenty-eight (28) feet, with curbs and gutters, except that streets serving lots of one-half (1/2) acre or more may, with the approval of the Planning Commission, have a minimum roadway of twenty-two (22) feet.
  - (3) The Perryville Planning Commission may reduce the above street standards of width in accordance with good planning practice and techniques.
  - (4) Collector streets and minor streets in commercial and industrial areas: forty (40) feet with curb and gutter.

- (5) Alleys: twelve (12) feet.
- C. Cul-de-sac. Cul-de-sac streets shall have a circular turnaround of not less than one hundred (100) feet in diameter to the street line, and with a roadway of not less than eighty (80) feet in diameter, unless the Planning Commission approves a “T” or “Y” backaround. The center of the cul-de-sac shall be planted with trees and shrubs.
- D. Street grades. Street grades shall not exceed five percent (5%) for primary and secondary highways and collector streets and eight percent (8%) for minor streets, service drives and alleys, except that the Planning Commission may permit a variation of not greater than two percent (2%) from these maximums where topographic conditions warrant. Street grades shall be not less than one-half of one percent ( $1/2$  of 1%) at the gutter. All changes in street grades of more than one percent (1%) shall be connected by vertical curves with a minimum length of fifty (50) feet or fifteen (15) times the algebraic difference in the change in grade, whichever is greater.
- E. Curvature. The radius of curvature on the center line shall be not less than four hundred (400) feet for primary and secondary highways, three hundred (300) feet for collector streets and one hundred (100) feet for minor streets, service drives and alleys. Between reversed curves, either of which has a radius of less than two hundred (200) feet, there shall be a tangent section at least one hundred (100) feet in length.
- F. Intersections. Each property corner at street intersections shall be rounded off by an arc, the radius of which shall be not less than twenty (20) feet, except that in a business area a chord may be substituted for such arc. Curbs at street intersections shall be rounded off concentrically with the property lines. The design of the intersection should provide clear sight distance for oncoming vehicles, and there should be a suitable leveling of the street grade within and approaching the intersection.

**§74-21. Blocks.**

- A. Residential blocks shall normally not exceed one thousand three hundred (1,300) feet in length nor be less than five hundred (500) feet in length, between street lines. In any residential block more than eight hundred (800) feet in length, a crosswalk way of not less than ten (10) feet in width may be required where necessary to provide convenient access to schools, playgrounds, shopping centers and other community facilities.
- B. Residential blocks shall normally be of sufficient width to provide two (2) tiers of lots of appropriate depth.



- C. Blocks for business or industrial use shall be of such length and width as may be necessary to serve their prospective use, including making adequate provision for off-street parking and for the loading and unloading of delivery vehicles.
- D. Irregularly shaped blocks indented by cul-de-sac or looped streets, and containing interior parks or playgrounds, will be acceptable when they are properly designed, including making provision for adequate parking and for the maintenance of the public or joint-use recreation area.

**§74-22. Lots.**

- A. The lot arrangement, design and orientation shall be such that all lots will provide satisfactory building sites, properly related to topography and the character of surrounding development and to maximize solar exposure during the winter solstice.
- B. The dimensions and areas of all lots shall comply with the requirements of the zoning district in which they are located.
- C. Excessive lot depth in relation to lot width shall be avoided. A ratio of depth to width of two to one (2:1) shall be considered a desirable maximum.
- D. Corner lots shall desirably have extra width to permit appropriate building setback from both streets in accordance with the zoning regulations.<sup>3</sup>
- E. Every lot shall abut upon, and have access to, a public street.
- F. Double-frontage and reverse-frontage lots shall be avoided, except where their use is essential to overcoming special topographic problems or to separating residential development from heavy street traffic.
- G. Residential lots fronting or abutting on major thoroughfares shall desirably have twenty-five percent (25%) extra lot depths and deeper building setbacks.
- H. Lots adjoining a railroad line shall have thirty percent (30%) extra lot depth with thirty percent (30%) deeper building setbacks. There shall be provided an appropriate means of buffering such lots from such railroad line.
- I. Insofar as possible, side lot lines shall be substantially at right angles or radial to the street line, except where a variation to this requirement will provide an improved street and lot layout.

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<sup>3</sup> Editor's Note: See Zoning Ordinance No. 2005-1 adopted 1-20-2005.

- J. The size and shape of lots intended for single-family residential use shall be sufficient to permit the ultimate provision of a garage on each lot, except that the Planning Commission may permit the grouping of garages into a compound serving such lots.

**§74-23. Easements.**

- A. Where alleys are not provided in appropriate locations, easements of not less than ten (10) feet in width shall be provided where necessary to meet public utility requirements. Easements of greater width may be required along lot lines or across lots where necessary for the extension of trunk sewers or other primary utility lines.
- B. Where a proposed subdivision is traversed by any stream, watercourse or drainage way, the subdivider shall make adequate provision for the proper drainage of surface water, including the provision of easements along such streams, watercourses and drainage ways.
- C. Utility easements in private rights-of-way or in joint-use recreation areas may be permitted at the discretion of the Planning Commission if the design considerations of the proposed subdivision warrant such easements.
- D. No building or structure shall be constructed on any easement without the written authorization of the Town Commissioners.

**§74-24. Public sites and open spaces.**

- A. Where the proposed subdivision includes lands proposed for use as parks, playgrounds, playfields, public landings or school sites under the Comprehensive Plan, the subdivider shall indicate the location of such lands on the subdivision plat and shall dedicate such lands to the appropriate jurisdiction.
- B. Where deemed essential by the Planning Commission, upon consideration of the type and size of development proposed in the subdivision, the subdivider may be required to dedicate sites and recreational facilities, of a character, extent and location suitable to meeting the needs of such development. In lieu of dedicating such additional areas, they may be reserved for the common use of all property owners in the proposed subdivision through deed restrictions.

**ARTICLE VI**  
**Preliminary Plat**

**§74-25. General requirements.**

The preliminary plat of the proposed subdivision shall comply with the following general requirements with regard to style and content:

- A. It shall be prepared by a registered land surveyor, preferably at a scale of one (1) inch to one hundred (100) feet, but in any case at a scale not smaller than one (1) inch to two hundred (200) feet.
- B. It shall provide all the pertinent information on existing site conditions, property ownership and the like, which may be necessary for the Planning Commission to properly consider the proposed subdivision, and such information shall be accurate and reliable.
- C. It shall show the general plan for the ultimate development of the property, including as much of the surrounding area as may be necessary for an adequate consideration of the land to be subdivided. Such plan shall be accurately drawn to scale, but surveyed dimensions are not required.

**§74-26. Information to be shown.**

- A. The preliminary plat shall be drawn in a clear and legible manner and shall show the following information:
  - (1) The proposed subdivision name, which shall not duplicate nor closely approximate the name of any other subdivision in the county.
  - (2) The names and addresses of the owner of record, the subdivider and the surveyor preparing the plat.
  - (3) The sale, date, North point and small-scale key map showing the location of the proposed subdivision.
  - (4) The boundaries of the land being subdivided in heavy outline, with the approximate dimensions of the property and the approximate acreage contained therein.
  - (5) The names and locations of adjacent subdivisions and the location of adjoining parcels of unplatted land, with the names of owners of record.

- (6) The location of existing property lines, streets and alleys, easements, buildings, utilities, wooded areas, watercourses and any other significant natural or man-made physical features affecting the proposed subdivision.
- (7) The present zoning classifications of the proposed subdivision and adjoining properties, and proposed uses of property within the area being platted.
- (8) The layout, widths and names of all streets, alleys, crosswalkways and easements proposed to be dedicated for public use, with the tentative center-line grade of each street and alley. Street names shall not duplicate nor closely resemble existing street names in the county, except for extensions of existing streets.
- (9) The layout, numbering and approximate dimensions and areas of all proposed lots or parcels.
- (10) The proposed building lines along all streets, with the minimum amount of setback required.
- (11) The designation of parcels of land to be conveyed or reserved for public use or for the common use of property owners within the subdivision.
- (12) The tentative locations for all utilities and drainage facilities, with easements indicated where necessary.

B. **[Added 5-26-88]** For proposed subdivisions located in the critical area, the following additional information will be shown on the preliminary plat as applicable:

- (1) An area or vicinity map showing such information as the names and numbers of adjoining roads, streams, banks, bodies of water, railroads, subdivisions, election districts or other landmarks sufficient to clearly identify the location of the property.
- (2) A boundary survey plat of the entire site at a scale that provides legibility without undue size and which shows the following:
  - (a) The existing topography at two- or five-foot contour intervals.
  - (b) Slopes of fifteen percent (15%) or greater.
  - (c) Existing and proposed regraded surface of the land.
  - (d) The location of natural features, such as streams, major ravines, drainage patterns and, within the area to be disturbed by

construction, trees measuring greater than twelve (12) inches in diameter to be retained.

- (e) The one-hundred-year floodplain boundaries.
- (f) The location and extent of area of all soils exhibiting the following characteristics as determined by the soil survey:
  - (1a) Septic limitations.
  - (2a) Wet Soils.
  - (3a) Hydric soils and soils with hydric properties.
  - (4a) Highly erodible soils [soils on slopes greater than fifteen percent (15%) or soils on slopes greater than five percent (5%) with K values greater than thirty-five hundredths (0.35)].

(3) Detailed drawing.

- (a) A detailed drawing showing:
  - (1) The location, proposed use and height of all buildings (delineate all existing buildings and structures).
  - (2) The location of all parking and loading areas, with ingress and egress drives thereto.
  - (3) The location of outdoor storage (if any).
  - (4) The location of recreation facilities (if any).
  - (5) The location of all existing or proposed site improvements, including storm drains, culverts, retaining walls, fences and storm water management facilities, as well as any sediment and erosion control structures and shore erosion structures.
  - (6) A description, method and location of water supply and sewerage disposal facilities.
  - (7) The locations, sizes and types of all signs.
  - (8) The locations, sizes and types of vehicular entrances to the site.

- (b) In addition to the information required above, the detailed drawing shall show the following information on site plans for development in the Critical Area Overlay District (O):

(1) The location of the Critical Area Overlay District boundary, the Buffer and other buffer areas, open space areas, forested areas and landscaping (the plan shall show all areas to be maintained as landscaping and the type of plantings to be provided and the means by which such landscaping will be permanently maintained shall be specified).

(2) The location of all habitat protection areas.

(3) The location of all contiguous forested areas adjacent to the site.

(4) The location of tidal and nontidal wetlands on the site.

(5) The location of existing water-dependent facilities on and adjacent to the site, including the number of existing slips and moorings on the site.

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

(7) A detailed drawing locating shore erosion abatement techniques to be included with the site plan.

- (4) Computations of:

(a) the total lot area.

(b) The building floor area for each type of proposed use.

(c) The building ground coverage (percentage).

(d) The road area.

(e) The number and area of off-street parking and loading spaces.

(f) The general open space area.

(g) In addition to the computations required above, the following additional computations will be submitted with all site plans for development in the Critical Area Overlay District (O):

- (1) The total area in the Critical Area Overlay District (O).
  - (2) The total man-caused impervious surfaces areas and percentage of site.
  - (3) Separate computations of the total acres of existing forest cover in the Buffer and in the critical area.
  - (4) The 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.
- (5) Commercial or industrial uses to include:
- (a) Specific uses proposed.
  - (b) The maximum number of employees for which buildings are designed.
  - (c) The type of energy to be used for any manufacturing processes.
  - (d) The type of wastes or by-products to be produced by any manufacturing process.
  - (e) The proposed method of disposal of such wastes or by-products.
  - (f) The location of outdoor lighting facilities.
  - (g) Other information as may be specified in the regulations for industrial or commercial uses in the Town of Perryville Zoning Chapter.<sup>4</sup>
- C. In addition to the information above, the site plans for development in the Critical Area Overlay District (O) shall be accompanied by the following as appropriate:
- (1) A forest management plan, including the comments of the Bay Watershed Forester, required when a proposed development site contains or will contain forest or developed woodland areas.
  - (2) A habitat protection plan, including the comments of the Maryland Forest, Park and Wildlife Service or the Water Resources Administration required when a habitat protection area (not including the Buffer) is on or adjacent to the site.

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<sup>4</sup> Editor’s Note: See Zoning Ordinance No. 2005-1 adopted 1-20-2005.

- (3) A storm water management plan.
  - (4) A sediment and erosion control plan.
  - (5) An environmental assessment report which provides a coherent statement of how the proposed development addresses the goals and objectives of the Town of Perryville Chesapeake Bay critical area program. At a minimum, the environmental assessment shall include:
    - (a) A statement of existing conditions, e.g., amount and types of forest cover, amount and type of wetlands, discussion of existing agriculture activities on the site, soil types, topography, etc;
    - (b) A discussion of proposed development project, including number and type of residential units, amount of impervious surfaces, proposed sewer treatment and water supply, acreage devoted to development, proposed open space and habitat protection areas;
    - (c) A discussion of the proposed development's impacts on water quality and habitat protection areas; and
    - (d) Documentation of all correspondence and findings.
- D. In addition to the information above, the preliminary site plan shall be accompanied by the following when the subdivision or development is proposed in the critical area, as required:
- (1) A planting plan for reforested and afforested areas and forest management plan with the comments of the Bay Forester.
  - (2) A habitat protection plan including the comments of the Maryland Forest, Park and Wildlife Service or the Water Resources Administration.
  - (3) A preliminary storm water management plan.
  - (4) A preliminary sediment and erosion control plan.
  - (5) A shore erosion protection plan with complete specification for proposed shore erosion work.
  - (6) An environmental assessment report which provides a coherent statement of how the proposed development addresses the goals and objectives of the Town of Perryville Chesapeake Bay critical area program. At a minimum, the environmental assessment shall include:



- (a) A statement of existing conditions, e.g., the amount and types of forest cover, amount and type of wetlands, discussion of existing agricultural activities on the site, soil types, topography, etc.
- (b) A discussion of proposed development project, including number and type of residential units, amount of impervious surface, proposed sewer treatment and water supply, acreage devoted to development, proposed open space and habitat protection areas.
- (c) A discussion of the proposed development's impacts on water quality and habitat protection areas.
- (d) Documentation of all correspondence and findings.

**§74-27. Supporting statements to be included.**

Accompanying the preliminary plat shall be the following written and signed statements in support of the subdivider's application for tentative approval:

- A. Statements explaining how and when the subdivider proposes to provide and install required water supply, sewers or other means of sewage disposal, street pavements, curbs and gutters and drainage structures.
- B. A statement concerning any proposed deed restrictions to be imposed by the owner.
- C. If the property to be developed is within the Town of Perryville critical area, statements explaining how and when the subdivider proposes to fulfill the requirements of the Town of Perryville critical area program. [Added 5-26-88]

**ARTICLE VII  
Improvements**

**§74-28. Required improvements.**

- A. The subdivider shall be required to provide and install, or to enter into agreements to provide and install, certain minimum improvements in the subdivision as a condition for approval of the final plat by the Planning Commission. All such required improvements shall be constructed in accordance with the minimum requirements of these regulations and the construction standards and specifications adopted by the Town Commissioners or such other governmental agency as may have jurisdiction over a particular improvement. Nothing contained herein,

however, shall be construed as prohibiting the subdivider from installing improvements meeting higher standards than the minimum requirements.

- B. Prior to filing the final plat with the Planning Commission, the required improvements shall be completed, inspected and approved by the proper authorities, except that, in lieu of completing all improvements prior to submission of the final plat, the subdivider may furnish the Town Commissioners with a cash deposit, or a secured line of credit, or a performance bond executed by a surety company and running to the Town. Such cash deposit or performance bond shall be in an amount sufficient to cover the cost of the improvements required to be installed by the subdivider, thereby insuring the actual construction and installation of such improvements prior to, or in no case later than, the time that such improvements are needed to serve buildings placed on abutting lots. The cost of required improvements shall be estimated by the Engineer or other authority having jurisdiction. In the event of any dispute concerning the amount of cash deposit or bond required, the Town Commissioners shall make the final decision based upon at least two (2) additional cost estimates.

**§74-29. Minimum requirements for installation of improvements.**

The minimum requirements for the installation of improvements in subdivisions shall be as follows:

A. Roads and streets.

- (1) All new roads and streets shall be constructed in accordance with the minimum requirements of these regulations and the minimum construction standards adopted by the Town Commissioners. Existing roads and streets which do not meet these specifications with regard to width or type of construction shall be widened and brought into conformity with that portion of the road or street within or adjoining the subdivision.
- (2) The roadbed and roadway wearing surface shall be constructed in accordance with applicable town standards. Curbs and gutters shall be provided in all subdivisions where the average lot area is less than one (1) acre. Where curbs and gutters are not required, stabilized shoulders and stabilized drainage ways outside the shoulders shall be provided.

- B. Surface drainage facilities. The subdivision shall be provided with such storm drains, culverts, drainage ways or other works as are necessary to collect and dispose of surface and storm water originating on or flowing across the subdivision, in order to prevent inundation and damage to streets, lots and buildings.

- C. Water supply facilities. Every subdivision shall require a public water supply under the regulations of the State Department of Health. Where a public source of water supply will not be available, private on-site sources of water supply, approved by the Health Officer, shall be provided.
- D. Sanitary sewerage facilities. Every subdivision shall require a public sewer system under the regulations of the State Department of Health. (See § 74-22B.)
- E. Plantings. **[Amended 9-7-1999 by Ord. No. 99-05]**
  - (1) Street trees and other landscaping shall be required by the Planning Commission on all new streets and parking areas of over five (5) cars. The proposed location and the species of plant material to be used shall be subject to approval of the Planning Commission.
  - (2) It will be the responsibility of the developer to landscape all public rights-of-way which are contained in the proposed development. The developer shall at a minimum either plant or retain sufficient trees so that between the paved portion of the street and a line running parallel to and fifty (50) feet from the centerline of the street, there is for every fifty (50) feet of street frontage at least an average of one (1) deciduous tree that has or will have when fully mature a trunk of at least twelve (12) inches in diameter. The preservation of existing trees along the right-of-way will compensate for the required new plantings.
  - (3) All parking areas shall be landscaped with trees planted at a rate of not less than one (1) tree per two thousand five hundred (2,500) square feet of gross parking area.
- F. Sidewalks.
  - (1) The minimum width of sidewalks shall be four (4) feet along all streets. The prepared subgrade shall consist of four-inch (insulation) course of stone or gravel. This material shall be compacted thoroughly.
  - (2) The thickness of the concrete placed over the prepared subgrade shall be at least four (4) inches for standard sidewalks and six (6) inches for all sidewalks which cross private driveways.
  - (3) Sidewalks shall be required on all streets; sidewalks shall be placed on at least one (1) side of any road and may, at the discretion of the Planning Commission, be required on both sides of the street. The Planning Commission may waive sidewalk requirements in single-family subdivisions where the density is less than four (4) units per acre.

G. Streetlighting.

- (1) The subdivider shall make application to the Planning Commission and Town Engineer for necessary streetlights. Purchase and installation of the required lighting shall be the responsibility of the subdivider.
- (2) To provide sufficient streetlighting and provide for energy efficiency, each new residence constructed on a lot created after the effective date of this chapter shall have installed a coach lamp controlled by individual residents.

H. Community facilities. All residential plans submitted to the Planning Commission, preliminary or final, may be referred to the Cecil County Department of Education for an advisory report and recommendation. The Department of Education will determine the projected school population anticipated from the subject development and compare the future school-age population to existing and proposed school capacities in determining whether that agency can endorse the development.

I. Public utilities. The subdivider shall place or cause to be placed underground, extensions of electric and telephone distribution lines necessary to furnish permanent residential, commercial or electric and telephone service within a new accordance with the rules and regulations of the Public Service Commission of Maryland.

J. Off-Street parking.

- (1) Applicability. Every subdivision plan which shall be submitted to the Planning Commission for approval shall provide off-street parking space and facilities in accordance with the requirements of the Perryville Zoning Chapter.<sup>5</sup>
- (2) Design.
  - (a) Parking spaces and all access and maneuvering space for off-street parking shall be surfaced and maintained with a dustless, all-weather material, except for single-family and two-family dwellings.
  - (b) Every parking facility shall have a safe and efficient means of vehicular access to a recorded street.
  - (c) No driveway serving a parking facility of five (5) cars or more shall be closer than five (5) feet to a side property line.

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<sup>5</sup> Editor's Note: See Zoning Ordinance No. 2005-1 adopted 1-20-2005.

- (d) No motor vehicle shall be parked in any yard or court closer than ten (10) feet to any door, window or other opening of a dwelling, institution or other property.
- (e) In the design of off-street facilities, the public right-of-way shall not be obstructed by the use of the same as aisle space or maneuvering space. Each off-street parking facility shall provide sufficient maneuvering space within the boundaries of the lot or lots on which it is located and shall be so designed that no unreasonable difficulty or inconvenience will be entailed in making necessary maneuvers for parking and removing a vehicle. Maneuvers shall not entail driving over any other required parking space. The layout of parking areas shall conform to the minimum dimensions for spaces and access ways.
- (f) Each parking facility shall be so designed that ingress or egress to a parking space entails no backing maneuver across a sidewalk or established footway, nor a backing maneuver into or from the public right-of-way.
- (g) Neither the turnaround diameter of a cul-de-sac or a rotary nor the turn-slot or a T-type or L-type cut-de-sac shall be used for the parking of vehicles.
- (h) In a multifamily residential subdivision, no parking area shall exceed one hundred eight (108) feet in length, and no portion of a motor vehicle shall be closer than twenty (20) feet from the right-of-way line of a public street.
- (i) Any fixture used to illuminate any off-street parking area shall be so arranged as to reflect the light away from adjacent residential sites, institutional sites and public roads.
- (j) Off-street parking facilities of five (5) cars or more shall be screened by a wall, fence or compact planting when adjoining the side or rear lot line. Screening shall be at least three and one-half (3 ½) feet high. Screening shall not be placed or maintained as to constitute a traffic hazard by obstruction of visibility.

K. Entrance from public or private streets shall conform to the following dimensions:

- (1) One-way traffic entrances shall be not less than seventeen (17) feet nor more than twenty-four (24) feet in width.

- (2) Two-way traffic entrances shall not be less than twenty-four (24) feet nor more than thirty-five (35) feet in width; such entrances shall be not less than fifteen (15) feet apart.
- (3) Monumental entrances shall be provided with a minimum six-foot-wide median, and the traffic lanes shall not be less than seventeen (17) feet in width.
- (4) All entrances shall be not less than seven and one-half (7 ½) feet from a side lot line.

L. Refuse collection.

- (1) In a residential subdivision, if refuse is to be collected at points exterior to a structure, such points shall be shielded from view on three (3) sides by screening and landscaping and placed on a pad of concrete where necessary.
- (2) In a residential subdivision, if refuse is to be collected at points within a structure, the marginal notes to the subdivision plan shall so indicate.
- (3) In a commercial or industrial subdivision, refuse storage and collection points shall be housed in containers and shielded from view by screening and/or landscaping.
- (4) The developer shall submit a resume of refuse collection.

M. Street Signs.

- (1) Improvements required. The subdivider shall erect, at every intersection, a street sign or street signs having thereon the names of the intersecting streets. At intersections where streets cross, there shall be at least two (2) such street signs, and at the intersections where one (1) street ends or joins with another street, there shall be at least one (1) such street sign.
- (2) Construction standards.
  - (a) Street nameplates shall be of metal construction; all corners shall be rounded; the lettering shall be of standard proportions and spacing in accordance with one (1) of the alphabets used by the United States Bureau of Public Roads. The plates shall be horizontal. The lower edge of the nameplate shall be seven (7) feet above the ground level or curb. The nameplate shall be attached by rustproof metal fasteners.

- (b) The standard shall be rustproof metal and shall be of sufficient length to permit the same to be embedded in the ground a distance of not less than three (3) feet. The standard shall be embedded in a concrete base for a depth of not less than three (3) feet below the surface of the ground and not less than twelve (12) inches in diameter.
- (c) The standard shall be heavy wall pipe not less than two and one-half (2 ½) inches in diameter. The pipe shall be capped.

N. Reference monuments.

- (1) Permanent reference monuments, of stone or concrete and at least thirty (30) inches in length and four (4) inches square with suitable center point, shall be set flush with the finished grade at such locations as may be required by the Planning Commission and the laws of the State of Maryland.
- (2) Monuments of metal pipe, three-quarters (3/4) inch in diameter and at least eighteen (18) inches in length, shall be set in place flush with the finished grade at all intersections of streets; at all intersections of streets and alleys with subdivision boundary lines; at all points on streets, alleys and boundary lines where there is a change in direction or curvature; and at all lot corners.

**§74-30. Submission of plans.**

Plans, profiles and specifications for the required improvements shall be prepared by the subdivider and submitted for approval by the appropriate public authorities prior to construction. Plans and profiles shall be drawn to a horizontal scale of one (1) inch to one hundred (100) feet or less and a vertical scale of one (1) inch to twenty (20) feet or less, unless the Engineer shall specify otherwise, and such plans and profiles shall be sufficiently detailed to show the proposed location, size, type, grade and general design features of each proposed improvement. The plans, profiles and specifications to be submitted shall include the following:

- A. The plans and profiles of each street, showing proposed grades and street intersection elevations.
- B. Cross sections of proposed streets, showing the width of roadways, present and proposed grade lines and the location and size of utility mains, taken at intervals of not more than one hundred (100) feet along each street center line if required by the Engineer. Such cross sections shall extend laterally grade, except that in no case shall less than the full width of the street right-of-way be shown.

- C. The plans and profiles of proposed sanitary sewers and storm drains, with proposed grades and pipe sizes indicated.
- D. The plans of the proposed water distribution system, showing pipe sizes and the locations of all valves and fire hydrants.
- E. A site plan of proposed street trees and other landscaping improvements.
- F. Written specifications for all proposed improvements.

**§74-31. Inspection and approval of improvements.**

- A. All construction work on improvements required herein shall be subject to inspection and approval by the Engineer, Health Officer and other authorized public officials, during and upon completion of such construction work. Upon the completion of each improvement, the subdivider shall furnish the appropriate official with accurate and detailed engineering drawings of the improvements as it was actually constructed.
- B. The final plat of the subdivision shall not be approved by the Planning Commission until all required improvements shall have been satisfactorily completed and approved as being in compliance herewith, or satisfactory bond posted in lieu of such completion. No such bond shall be released until all improvements secured by such bond shall have been completed and approved as being in compliance herewith; provided, however, that a partial release may be approved for such improvements as may have been completed and approved by appropriate officials.
- C. Street acceptance.
  - (1) Approval of the final plat by the Planning Commission shall not be deemed to constitute or affect an acceptance by the public of the dedication of any street or other proposed public way or public grounds shown on said plat. Perryville shall have no obligation to accept and to make public any street in a subdivision unless:
    - (a) All required improvements shown on the approved final plat have been constructed in conformity with the required standards and specifications; or
    - (b) A petition signed by the owners of at least fifty percent (50%) of the frontage of the street in question, requesting that the street be taken over and made public, is filed with the Town Commissioners of Perryville, and it is established by the governing body that there is a need for the street to be taken over and made public.



- (3) The Town of Perryville shall have no responsibility with respect to any street within a subdivision, notwithstanding the use of such street by the public, unless the street is accepted by ordinance or resolution of the Town Commissioners of Perryville.

**§74-32. Sediment control.**

- A. Nothing in this chapter shall be deemed as relieving any person or corporation of the Perryville Sediment Control Ordinance.<sup>6</sup>
- B. All subdivision applications must incorporate a sediment control plan prior to final approval of the plat.

**§74-33. Critical areas. [Added 5-26-87]**

In addition to the other provisions of the Town Zoning Chapter<sup>7</sup> and subdivision regulations, the following will apply to all subdivision of land located within the Town of Perryville critical area:

- A. Where a tract of land bordering tidal water, tidal wetlands or tributary streams in the critical area is to be subdivided and is not in a Buffer exemption area, a Buffer of at least one hundred (100) feet shall be established in natural vegetation (except areas of the Buffer which are planted in vegetation where necessary to protect, stabilize or enhance the shoreline). No development, including septic systems, impervious surfaces, parking areas, roads or structures, are permitted in the Buffer. However, approved development or expansion of a water-dependent facilities, as defined in the Town of Perryville Zoning Chapter, are excepted from these Buffer provisions.
- B. If the lot ownership extends to the water, wetlands or streambed, then the Buffer shall be included in the required setback distance for building on that lot, except in the case of water-dependent facilities. Where the Buffer is to be owned and maintained by a homeowners' or similar appropriate organization, the required setback distance shall be measured from the property line separating that lot from the designated Buffer. This Buffer, when not included in the lots, may be included in the calculating gross density.

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<sup>6</sup> Editor's Note: See Chapter 71, Soil erosion and sediment control.

<sup>7</sup> Editor's Note: See Zoning Ordinance No. 2005-1 adopted 1-20-2005.

C. The Buffer will be expanded to include contiguous sensitive areas. This expansion will occur whenever new land development or other land-disturbing activities, such as clearing natural vegetation for agriculture or mining, are proposed. The expanded Buffer must be shown on plans required for such development or activities. “Sensitive areas” are defined as follows: hydric soils and soils with hydric properties as designated by the Soil Conservation Service; highly erodible soils with a K value greater than thirty-five hundredths (0.35); and steep slopes greater than fifteen percent (15%). The Buffer shall be expanded according to the following rules:

- (1) The Buffer shall be expanded four (4) feet for every percent of slope or to the top of the slope, whichever is greater, but in no case more than ten (10) feet beyond the top of the slope greater than fifteen percent (15%).
- (2) The Buffer shall be expanded from one hundred (100) feet to the upland limit of adjacent hydric soils, soils with hydric properties and erodible soils, whichever is less.
- (3) All subdivisions in the Perryville critical area shall be subject to the habitat protection criteria and guidelines prescribed in the Town of Perryville critical area program.
- (4) The subdivider shall be required to identify storm water management practices appropriate to site development which achieve the following standards:
  - (a) In areas designated Intensely Developed Area on the Town of Perryville Official Critical Area Map, the subdivider shall demonstrate that the best management practices for storm water assure a ten-percent reduction of predevelopment pollutant loadings (see Storm water Management Chapter<sup>8</sup> for computation methodology). If these practices do not reduce pollutant loadings by at least ten percent (10%) below the level of pollution on the site prior to development, then offsets shall be provided. In the case of new development, offsets as determined by the Planning Commission shall be provided that produce pollutant loadings equivalent to at least ten percent (10%) of the predevelopment levels.

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<sup>8</sup> Editor’s Note: See Chapter 73, Stormwater Management.

- (b) The subdivision shall be designed to assure those features or resources identified as habitat protection areas are afforded protection as prescribed in the habitat protection element of the Town of Perryville critical area program.
- (5) In Limited Development Areas (LDA's), roads, bridges and utilities serving lots shall be located to avoid disturbances to habitat protection areas. When no alternative exists and such infrastructure must cross or be located in habitat protection area, the developer shall demonstrate how impacts to habitats have been minimized and that no feasible alternative location of such infrastructure exists.
- (6) In Limited Development Areas (LDA's), all roads, bridges, lots or other development which cross or are located adjacent to tributary streams in the critical area shall:
  - (a) Not be located in the Buffer and designed in a manner to reduce increases in flood frequency and severity.
  - (b) Provide for the retention of natural streambed substrate.
  - (c) Minimize adverse impacts to water quality and storm water runoff.
  - (d) Retain existing tree canopy so as to maintain stream temperature within the normal variation.
- (7) Lots and open space areas shall be located and designed to provide for maintenance of existing site wildlife and plant habitats and continuity with those on adjacent sites. Existing wildlife corridors shall be identified on proposed development plats. When wildlife corridors exist or are proposed, they shall include any existing habitat protection areas and connect large forested areas on or adjacent to the site.
- (8) Impervious surfaces in subdivisions located in Limited Development Areas (LDA) of the Town of Perryville critical area shall be limited to fifteen percent (15%) of the gross site area proposed for development, except that impervious surfaces on any lot not exceeding one (1) acre in size in a subdivision approved after June 1, 1986, may be up to twenty-five percent (25%) of the lot.
- (9) Development on slopes greater than fifteen percent (15%) shall be prohibited unless such development is demonstrated to be the only effective way to maintain or improve slope stability.

- (10) No clearing or grading is permitted in the Buffer nor on steep slopes and hydric or highly erodible soils for other than agricultural practices not involving the clearing of natural vegetation in the Buffer, or commercial forestry practices in the Buffer between March 1 and June 15.
- (11) Land to be subdivided shall be designed and improved in reasonable conformity with existing topography, in order to minimize grading and cut and fill, and to retain, insofar as possible, the natural contours, minimize storm water runoff and conserve the natural cover and soil. No soil, sand or gravel shall be removed from any lots shown on any subdivision plat, except in accordance with the provisions of the sediment control plan approved by the Soil Conservation District Board.
- (12) Subdivision and development in the Town of Perryville critical area are encouraged to increase natural vegetation on the development site.
- (13) Subdivisions located in Limited Development Areas (LDA's) and Resource Conservation Areas (RCA's) are required to meet the following minimum standards for forest and developed woodlands. Forest and developed woodlands as defined by the Town of Perryville critical area program shall be created or protected in accordance with the following:
  - (a) When no forest exists on the site, at least fifteen percent (15%) of the gross site area shall be afforested. The location of the afforested area should be designed to reinforce protection to site habitats or provide connections between forested areas when they are present on adjacent sites.
  - (b) When forests or developed woodland exists on the site and proposed development requires the cutting or clearing of trees, areas proposed for clearing shall be identified on the proposed development plan. The developer shall submit plans for development and areas to be cleared to the Maryland Forest, Park and Wildlife service for comments and recommendations and shall transmit comments to the Town of Perryville Planning and Zoning Office. A grading permit shall be obtained prior to any clearing or cutting associated with proposed development. In addition, cutting or clearing which is associated with development shall be subject to the following limits and replacement conditions:
    - (1) All forests cleared or developed shall be replaced on not less than an equal-area basis, either on the site or on another site approved by the Planning Commission, except that if clearing on a fully forested lot is limited to a development pad of ten thousand (10,000) square feet or

less and cleared areas are reforested to the extent possible, the forest shall be considered a developed woodland and no replacement shall be required.

(2) No more than twenty percent (20%) of the forested or developed woodland within the site proposed for development may be removed [except as provided for in Subsection C(13)(b)[3] and [4] below], and the remaining eighty percent (80%) shall be maintained as forest cover through the use of appropriate instruments (e.g., recorded restrictive covenants). Removal of forest or developed woodland cover in the Buffer is prohibited.

(3) Clearing of forest or developed woodlands up to twenty percent (20%) shall be replaced on an area basis of one to one (1:1). A developer may propose clearing up to thirty percent (30%) of the forest or developed woodland on a site, but the trees removed in excess of twenty percent (20%) must be replaced at the rate of one and five-tenths (1.5) times the amount removed either on the site or on another site approved by the Planning Commission.

(4) If more than thirty percent (30%) of the forest on a site is cleared, the forest is required to be replanted at three (3) times the total extent of area of the cleared forest.

(5) If the cutting of forests occurs before a grading permit is obtained, the forest is required to be replanted according to the requirements in Subsection C(13)(b)[4] above.

(6) All reforestation and/or afforestation shall be included in a planting plan.

## **ARTICLE VIII**

### **Final Plat**

#### **§74-34. General requirements.**

The final plat of the subdivision shall comply with the following general requirements with regard to style and content:

- A. It shall be drawn in black India ink on tracing linen or dimensionally stable plastic film and shall comply with the applicable provisions of the laws of the State of Maryland relative to the making of plats.

- B. It shall be prepared by a registered land surveyor, preferably at a scale of one (1) inch to one hundred (100) feet, but in any case at a scale not less than one (1) inch to two hundred (200) feet, and it shall be drawn on sheets not less than eight by twelve (8 x 12) inches and not more than twenty-four by thirty (24 x 30) inches in size, including a margin of one-half (1/2) inch outside ruled border lines.
- C. All dimensions and bearings of lines and all areas shall be based upon a field survey of sufficient accuracy and detail that the data shown thereon may be reproduced on the ground. All distances and the length of all lines shall be given to the nearest hundredth of a foot. Bearings of all lines shall be referenced to the same azimuth and coordinate system as shown on the plat of the official town controls. Additions to existing subdivisions shall conform to the azimuth and coordinate system of the original subdivision. All bearings shall be given to the nearest minute, and all areas shall be given to the nearest square foot.

**§74-35. Information to be shown.**

The final plat shall be legibly and accurately drawn and shall show the following information:

- A. The name under which the subdivision is to be recorded and the subdivision's location.
- B. The scale, date, North point and small-scale key map showing the general location of the subdivision in relation to its surroundings.
- C. The distances and bearings for all the boundary lines of the subdivision.
- D. The locations and descriptions of all permanent survey monuments, with coordinates of all monuments referenced to the town controls as specified above.
- E. The names and locations of adjacent subdivisions and the location of adjoining parcels of unplatted land, with the names of the owners of record.
- F. The locations, dimensions and names of all streets and alleys within and adjoining the subdivision, with the lengths and bearings of tangents, the lengths of arcs and radii, internal angles, points of curvature and any other necessary engineering data.
- G. The locations, dimensions and bearings of all lot lines and the areas of lots or parcels sufficient to check compliance with zoning and health regulations.
- H. Building lines along all streets, dimensioned to street lines.
- I. Blocks lettered in alphabetical order, with the lots within each block numbered in numerical order.

- J. The locations, dimensions and purposes of all crosswalk ways, easements and other public ways.
- K. The locations, dimensions and purposes of any other property offered for dedication or to be reserved for acquisition for public use or to be reserved by deed covenant for the common use of property owners in the subdivision.

**§74-36. Certificates and supporting statements to be included.**

Accompanying the final plat and made a part thereof shall be the following certificates and statements:

- A. A notarized owner's certificate, acknowledging ownership of the property and agreeing to the subdivision thereof as shown on the plat and signed by the owner or owners and any lien holders.
- B. A notarized owner's statement of dedication, offering all streets, alleys and other public ways and public grounds for dedication, and constituting an irrevocable offer to dedicate for a period of not less than five (5) years from the date of filing the final plat with the Planning Commission.
- C. Certificate of the surveyor that the final plat, as shown, is a correct representation of the survey as made, that all monuments indicated thereon exist and are correctly shown, and that the plat complies with all requirements of this chapter and other applicable laws and regulations.
- D. A brief summary of deed restrictions applicable within the subdivision, including any trust agreements for the operation and maintenance by the property owners in the subdivision of any sewage disposal system, water supply system, park area or other physical facility which is of common use or benefit but which is not to be held in public ownership.
- E. Certificate of approval by the Health Officer of the means of providing water supply and sewage disposal services for the subdivision.
- F. Certificate of approval by the Town Engineer that all specifications established by the developer are in accordance with town specifications and desires.
- G. Certificate of approval by the Sediment Control Officer that the proposed subdivision is in conformance with the Sediment Control Chapter.<sup>9</sup>
- H. Certificate of approval by the Planning Commission, ready for signature and in a form acceptable to the Planning Commission.

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<sup>9</sup> Editor's Note: See Chapter 71, Soil Erosion and Sediment Control.

**ARTICLE IX**  
**Miscellaneous Provisions**

**§74-37. Modifications and exceptions.**

- A. Modification for unusual conditions. Where, in the case of a particular proposed subdivision, it can be shown that strict compliance with the requirements of this chapter would result in extraordinary hardship to the subdivider because of unusual topography or other conditions which are not self-inflicted, or that these conditions would result in inhibiting the achievement of the objectives of these regulations, the Planning Commission may vary, modify or waive the requirements so that substantial justice may be done and the public interest secured; provided, however, that such variance, modification or waiver will not have the effect of nullifying the intent and purpose of this chapter or being contrary to the goals and objectives of the Comprehensive Plan for the Town. In no case shall any variation, modification or waiver be more than a minimum easing of the requirements, and in no instance shall it result in any conflict with the proposals of the adopted transportation plan for the Town or the applicable zoning regulations.
- B. Exceptions for residential planned unit development. Where land within the incorporated territory of Perryville is proposed for development in accordance with the provisions of the Perryville Zoning Chapter<sup>10</sup> pertaining to the establishment of planned unit development, the requirements and conditions for approval as set forth in that chapter shall prevail in the case of any conflict with these regulations; provided, however, that nothing in this section shall be construed as permitting any exception from the requirements of these regulations with regard to the design, arrangement or improvement of streets and highways within any proposed planned unit development.
- C. Approval of modifications and exceptions. Variances, modifications and waivers from the requirements of this chapter shall be granted only by the affirmative vote of three-fourths (3/4) of the members of the Planning Commission. In granting variances, modifications and waivers, the Planning Commission may require such conditions as will, in its judgment, substantially secure the objectives of the requirements so varied, modified or waived.

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<sup>10</sup> Editor's Note: See Zoning Ordinance No. 2005-1 adopted 1-20-2005.



**§74-38. Amendments.**

- A. The Town Commissioners may, from time to time, amend, supplement or change, by ordinance, the regulations herein established. Any such amendment or change may be initiated by resolution of the Town Commissioners or by motion of the Planning Commission. Before taking action on any proposed amendment or change, the Town Commissioners shall submit the same to the Planning Commission for its recommendations and report. Failure of the Planning Commission to report within sixty (60) days after its first meeting subsequent to the proposal being referred shall be deemed approval by the Planning Commission.
- B. The Planning Commission may hold a public hearing on any proposed amendment or change before submitting its report to the Town Commissioners. Notice of such public hearing before the Planning Commission shall be given at least fifteen (15) days prior to the hearing by publishing the time, the place and the nature of the hearing in a newspaper having general circulation in the Town. The published notice shall contain reference to the place or places within the town where the full text of the proposed amendment or change may be examined.
- C. Before approving any proposed amendment or change, the Town Commissioners shall hold a public hearing thereon, notice of said hearing to be accomplished by publication in a newspaper as prescribed above.

**§74-39. Violations and penalties.**

- A. Whoever, being the owner or agent of the owner of any land located within the jurisdiction of these regulations, knowingly, or with intent to defraud, 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 land subdivision, before such plat has been approved by the Planning Commission and recorded or filed in the office of the Clerk of the Circuit Court, shall forfeit and pay a civil penalty of not less than two hundred dollars (\$200.) and not more than one thousand dollars (\$1,000.) in the discretion of the Court, for each lot or parcel so transferred or sold or agreed or negotiated to be sold, and the description of such lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties or from the remedies herein provided. The Town Commissioners may enjoin such transfer or sale or agreement by action for injunction brought in any court of equity jurisdiction, or may recover the said penalty by civil action in any court of competent jurisdiction.
- B. Every act or omission in violation of this chapter shall be punishable as provided herein. Where such an act or omission is of a continuing nature, each and every day during which such an act or omission continues shall be deemed a separate misdemeanor.

**§74-40. Appeals.**

Any person aggrieved or any officer, department, board or bureau of the Town affected by any decision of the Planning Commission may, within thirty (30) days after the decision appealed from, file a notice of appeal with the Circuit Court. Upon the hearing of such appeal, the decision of the Planning Commission shall be presumed by the Court to be proper and to best serve the public interest. The burden of proof shall be upon the appellant or appellants to show that the decision appealed from was against the public interest and that the Planning Commission's discretion, in rendering its decision, was not honestly and fairly exercised, or that such decision was arbitrary or procured by fraud or unsupported by any substantial evidence or was unreasonable, or that such decision was beyond the powers of said Planning Commission and was illegal. The Court shall have the power to affirm, modify or reverse, in whole or in part, any decision appealed from and may remand any case for the entering of a proper order or for further proceedings, as the Court shall determine.

**§74-41. Fees. [Amended 4-6-99 by Ord. No. 99-3, Amended 4-7-2009 by Ord. No. 2009-4]**

- A. All developers/property owners shall be responsible for the payment of all application, review and inspections fees and costs for all site plan and subdivision plan (Plan) submitted to the Town for review and approval.
- B. Should the costs to the Town for the processing of the application, review and/or inspection of the Plan, including but not limited to the costs of engineering, staff time for review and inspection, and legal reviews, exceed the application, review and/or inspections fees previously paid, the developer/property owner shall be required to pay unto the Town all additional costs/fees incurred prior to receiving any approval. Upon successful final inspection and payment of all final invoices for the Town engineer, inspection fees, staff time and legal review, any balance remaining on the account of the developer/property owner for additional costs/fees paid shall be returned. There shall be no refund of any portion of the initial application, review and/or inspection fees paid as established by Resolution.
- C. All application, review and inspection fees and costs shall be established by the Mayor and Commissioners by resolution.