

Sharptown Subdivision Ordinance #74

An Ordinance of the Town of Sharptown to Repeal Ordinance # 25 and to enact Ordinance #74 to be known as the “Subdivision Ordinance” establishing provisions and regulations for the subdivision and resubdivision of land within the Town of Sharptown, prescribing all procedures therefore, including filing of preliminary plat and action thereon, setting design standards for lots, streets, utilities, etc, and requiring conformance to adopted master plans and conservation of community assets, and providing for the enforcement’s thereof, for penalties for violation thereof, and for appeals.

Pursuant to the provisions of Article 66B of the Annotated Code of Maryland and other applicable provisions of law, including the Town Charter of Sharptown, BE IT ENACTED AND ORDAINED by the Commissioners of Sharptown, Maryland, that Ordinance # 74 be repealed to be known as the “Subdivision Ordinance”and to enact to read as follows:

Section 1: Policy

It is the policy of the Town of Sharptown that the subdivision or resubdivision of land within the Town of Sharptown shall be accomplished in such manner that it will improve the standards of living or working within the town; that no undue financial burden will be created for the taxpayers of the town; nor will the public works facilities of the town be overloaded beyond their rated capacity. Such subdivision or resubdivision shall comply with the precepts of good planning, the preservation of open space and prevent the pollution of air, earth or water. It shall also be the policy of the Town of Sharptown that all areas approved for development shall be served by all utilities available in the area developed whether furnished by the Town of Sharptown or private utility companies.

Section 2: Definitions

For the purpose of this ordinance, which shall be known and cited as the “Sharptown Subdivision Regulations”, certain words used herein are defined.

2:01 Division of Lands

- A.** Subdivision – The term subdivision means the division of a parcel of land into at least two and not more than ten lots or parcels.
- B.** Re-subdivision – The term re-subdivision means the re-division or re-layout of two or more previously platted or recorded lots or parcels of land, or the change of an item shown on said original plat such as building lines, etc.
- C.** Development – The term development means the division of a tract or several tracts of land into more than ten lots or parcels of land.

Sharptown Subdivision Ordinance #74

2:02 Streets and Alleys

The term “street” when used without qualifying adjective, means a way for vehicular traffic, regardless of the particular designation or nomenclature used, such as: street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, or place.

- A. Arterial Street shall mean a street or highway designed for a large flow of traffic including vehicles designed for heavy loads.
- B. Collector Street shall mean a street which carries traffic from minor streets to the major system of arterial streets and highways, including the principal entrance street or streets of a residential development.
- C. Minor Street shall mean a street whose use is primarily for access to abutting properties.
- D. Marginal Access Streets are minor streets which are parallel to and adjacent to arterial streets and highways; and which provide access to abutting properties and protection from through traffic.
- E. Substandard Street shall mean as existing street laid out in a width less than required for a new street serving the same purpose.
- F. Alley shall mean a minor way used primarily for vehicular service access to the back or side of properties which abut a wider street.

2:03 Design

“Design” shall mean layout, engineering and planning street alignments, grades and width, alignment and widths of easements and rights of way for drainage and sanitary sewers and minimum lot area and width.

Sharptown Subdivision Ordinance #74

Section 3: New Subdivisions or Developments

3:01 Procedures

- A. Pre-application. An applicant may request an appointment with the Planning and Zoning Commission to discuss a proposed application. In such case applicant shall submit a sketched plat of the proposed subdivision to the zoning official at least ten days prior to the date of his appointment with the Planning and Zoning Commission. Such sketch shall show the approximate size of lots, the width of streets and in addition describe the public facilities and show the proposed location of any easements or rights of way required to provide them. The zoning official shall then make comments or recommendations to the Planning and Zoning Commission at the time of applicant's appointment.

3:02 Application for Preliminary Approval of Subdivision or Development.

- A. Applicant shall submit to the zoning official a written application for subdivision approval on a form to be supplied by the town at least ten days prior to the meeting of the Planning and Zoning Commission. He shall also submit four copies of the preliminary plat.
- B. Applicant shall be granted a hearing with the Planning and Zoning Commission and given five days notice of the date and time thereof. The Planning and Zoning Commission may not consider the proposed development or subdivision for conditional approval or rejection until after such hearing. In the event Commission requires or requests a staff report from the zoning official, a copy thereof shall be delivered to Applicant and he shall be entitled to a further hearing at the time the staff report is presented to the Planning and Zoning Commission. Such hearing shall be at least five days after submission of the staff report to applicant unless waived by applicant.
- C. Following review of the preliminary plat, staff report and other data submitted in conformity with these regulations the Planning and Zoning Commission shall, within thirty days after the hearing, act upon the application. The Planning and Zoning Commission shall express its approval as Conditional Approval and state the conditions of such approval, if any; or if disapproved, shall express its disapproval and give its reasons therefore. In the event any change of zoning is required before final approval can be given, applicant shall be directed to apply according to the Town Code. In the event that a variance is required applicants shall be directed to apply to the Board of Zoning Appeals for the implementation of the necessary change before returning to the Planning and Zoning Commission for further action.

Sharptown Subdivision Ordinance #74

- D.** The decision of the Planning and Zoning Commission shall be reduced to writing, signed by the Chairman, and attached to two copies of the plat submitted by applicant, one of which shall be kept in the Commission's files and one returned to applicant.
- E.** Conditional Approval of a Preliminary Plat shall not constitute approval of the Final Plat. Rather it shall be deemed an expression of approval of the basic proposal subject to compliance with the conditions, if any; and subject to completion of the engineering data for all required public utilities and the preparation of the final plat of the development or subdivision suitable for recording.

3:03 Procedure for Final Approval of a Development or Subdivision.

- A.** Applicant shall submit four copies of the proposed Final Plat seven days prior to the meeting of the Planning and Zoning Commission. The applicant shall be given seven days notice of the date and time of the hearing for final consideration and at least five days notice of any inadequacies, or of any ways in which the Final Plat, in the opinion of the zoning official fails to comply with the terms and conditions of the preliminary approval.
- B.** The zoning official shall prepare a report to the Planning and Zoning Commission which shall set forth all items to be included in a Public Works Agreement between Town and the applicant and shall furnish applicant with a copy thereof.
- C.** After the hearing the Planning and Zoning Commission shall, if it approves the final plat, recommend final approval to the Town Commissioners and that a public works agreement be executed as outlined. If the Planning and Zoning Commission disapproves the final plat it shall return the final plat to applicant for revision in order to comply with the conditions for approval.
- D.** Failure of any applicant to submit a final plat for approval showing compliance with all conditions set forth within twelve months after the date of the preliminary approval shall constitute an abandonment of the application and revoke the preliminary approval. An extension of not more than six months may be granted by the Planning and Zoning Commission upon request.

Sharptown Subdivision Ordinance #74

Section 4: Existing Subdivision

4:01 Policy

Undeveloped sections of platted subdivisions, when developed, cannot become a financial burden to the town and must be developed to conform as nearly as possible to current planning and zoning standards without imposing undue hardship upon the landowner. Piecemeal development of scattered lots shall be discouraged and development of groups of lots shall be encouraged. Necessary easements or rights of way for storm water drainage and widening of substandard streets must be obtained as part of the development process.

4:02 Owner responsibilities

The owner or owners of any lot(s) shall agree to do the following:

- 1) Stabilize at his own cost and expense the full width of the new street on which his lot fronts from the closest already stabilized street to and along his full lot frontage. Owners of corner lots whose sidelines abut an unstablized street shall in addition comply with the requirements of the Public Works Policy Agreement.
- 2) Construct at his own expense extensions of public water and/or sewer mains to serve the lot/lots.
- 3) Provide such storm water drainage as required by the Planning and Zoning Commission.
- 4) If the lot abuts a substandard street provide such easements or dedication for street widening as required by the Planning and Zoning Commission.
- 5) Erect curb, gutter and sidewalks along the full street line or lines of his lot as required by the Planning and Zoning Commission.
- 6) Submit a final plat showing all data as required by the Planning and Zoning Commission.
- 7) Execute a Public Works Agreement with the Town providing for the accomplishing of the required work and giving security for payment of the costs thereof, and setting forth the terms and conditions of any rights of recoupment.

Sharptown Subdivision Ordinance #74

- 8) Submit a preliminary plat showing any proposed re-subdivision of platted lots.
- 9) Provide a turning circle at the end of any dead end street. (This may be a temporary circle if the platted street extends beyond his last lot).
- 10) Tender to the Town of Sharptown a fully executed deed for the bed of each street upon which the lots abut up to the end of the street frontage.
- 11) Provide any rights of way or easements required for storm water drainage if easements are on property not owned by him.
- 12) Dedicate land for a cross street between parallel streets when required by the Planning and Zoning Commission. Property owner, however, shall not be required to pay the cost of developing or stabilizing the cross street or of providing utilities therein unless the re-subdivision of his property has lots facing only on said cross street.
- 13) Re-subdivide the property covered by the re-subdivision application to meet the current applicable standards for the zone
- 14) If existing platted streets are to be eliminated or relocated , they must meet the approval of the Planning and Zoning Commission.

Sharptown Subdivision Ordinance #74

4:03 Procedures

A. Application

- 1) The owner of a lot or lots upon which a structure is to be erected shall submit to the Zoning Official a written application on a form to be supplied by the Town. If any reservations for sidewalk or street widening are required, or storm water drainage easements over applicant's property or property adjacent to it are to be given to the Town, four copies of a plat of applicant's property showing such reservations and easements shall be supplied. If easements are to be created, a deed of easement signed by the owner shall be presented to the Planning and Zoning Commission for approval. Approval by the Planning and Zoning Commission shall be subject to the execution by applicant of a Public Works Agreement meeting requirements of the Commission. If the lot owned by applicant is subject to the payment of any benefit assessment, no building permit shall be granted until the benefit assessment has been paid in full.

- 2) The owner shall submit along with the written application a preliminary plat of the lots showing the proposed resubdivision thereof, areas for street widening and storm water drainage easements if any. If the applicant owns on both sides of the street he shall also show either a permanent or temporary turning circle at the end of stabilization of the street adjoining the lots. After compliance with all requirements imposed by the Planning and Zoning Commission, the applicant shall submit his final plat which shall be considered by the Planning and Zoning Commission along with the public works agreement. The plat and Public Works Agreement shall be referred to the Town Council Commissioners.

Sharptown Subdivision Ordinance #74

Section 5: Design Standards

5:01 Streets

A. New or relocated streets

- 1) The arrangements, character, extent, width, grade and location of all new or relocated streets shall conform to the Master Plan and shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.
- 2) Where such is not shown in the Master Plan, the arrangement of streets in a subdivision shall either:
 - A. Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or
 - B. Conform to a plan for the neighborhood approved or adopted by the Planning and Zoning Commission to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impracticable.
- 3) Minor streets shall be so laid out that their use by through traffic will be discouraged.
- 4) Where a subdivision abuts or contains an existing or arterial street, the Planning and Zoning Commission may require marginal access street, reverse frontage with screen planting contained in a nonaccess reservation along the rear property line, deep lots with rear service alleys, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.
- 5) Where a subdivision borders on a limited access highway right of way, the Planning and Zoning Commission may require a street approximately parallel to and on each side of such right of way, at a distance suitable for the appropriate use of the intervening land, as for park purposes in residential districts, or for commercial or industrial purposes in appropriate districts. Such distances shall also be determined with due regards for the requirements of approach grades and future separations.

Sharptown Subdivision Ordinance #74

- 6) Streets shall be laid out so as to intersect as nearly as possible at right angles and no street shall intersect any other street at less than 60 degrees.
- 7) Property lines at street intersections shall be rounded with a radius of 20 feet, or of a greater radius where the Planning and Zoning Commission may deem it necessary. The Planning and Zoning Commission may permit comparable cut-offs or chords in place of rounded corners.
- 8) Street right of way width shall be as shown in the Master Plan and shall be in accordance with the Wicomico County Construction Standards.
- 9) Half streets shall be prohibited, except where essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations; and where the Planning and Zoning Commission finds it will be practicable to require the dedication of the other half when the adjoining property is subdivided. Where ever a half street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract.
- 10) A dead-end street shall be provided at the closed end with a paved turn-around having a minimum radius of forty feet. When required for future extension, the turn-around right of way shall be placed adjacent to the tract boundary with sufficient width along the boundary line, to permit extension of the street at full width. Drainage of cul-de-sacs shall preferably be towards the open end.
- 11) No street names shall be used which will duplicate or be confused with the names of existing streets. Street names shall be subject to the approval of the Planning and Zoning Commission.
- 12) Curbs, gutters, and sidewalks shall be provided on all streets except those specially approved for rural standards by the Planning and Zoning Commission. Streets shall not be constructed with a minimum center line grade of less than two-tenth per cent or a maximum center line grade of more than six per cent. Changes in grade shall be connected by vertical curves no more abrupt than four per cent change in grade per one hundred feet or roadway. Vertical curves shall not be less than eighty feet in length.

Sharptown Subdivision Ordinance #74

- B.** Streets in existing Subdivisions. – The Planning and Zoning Commission shall deal individually with streets in existing subdivisions which are less than fifty feet in width. In general, however, the Planning and Zoning Commission shall require at least five feet on each side of a street to be dedicated for street widening unless the street is laid out more than forty feet in width. This reservation may or may not include an area for sidewalk as the Planning Commission shall direct. The Planning and Zoning Commission will also generally require a rounding of the corner at street intersections with a radius of twenty feet. The Planning and Zoning Commission shall not, however, require any dedication for street widening which would bring any portion of an existing residential structure in a residential zone less than five feet from the street line.

5:02 Alleys

- 1) Alleys shall be provided in commercial and industrial districts, except that the Planning and Zoning Commission may waive this requirement where other definite and assured provision is made for service access, such as off-street loading, unloading, and parking consistent with and adequate for the uses proposed.
- 2) The width of an alley shall be at least 20 feet.
- 3) Alley intersections and sharp changes in alignment shall be avoided, but where necessary, corners shall be cut off sufficiently to permit safe vehicular movement.
- 4) Dead end alleys shall be avoided where possible, but if unavoidable, shall be provided with adequate turn around facilities at the dead-end, as determined by the Planning and Zoning Commission.

5:03 Easements

- A.** New subdivisions or developments.

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

Sharptown Subdivision Ordinance #74

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

B. Existing subdivisions or developments

- 1) Easements for storm water drainage shall be obtained where possible and shall be at least ten feet wide.
- 2) Where lots in an existing subdivision or development are traversed by a watercourse, drainage way, channel or stream; a storm water easement or drainage right of way shall be provided in such width and/or construction as the Planning and Zoning Commission shall direct.
- 3) Where a low area without run off drainage exists, a drainage right of way shall be provided unless the area may be filled without violation of state or federal law and without causing flooding of abutting properties.

5:04 Blocks

- 1) The Lengths, widths and shapes of blocks shall be determined with due regards to:
 - A. Provision of adequate building sites suitable to the special needs of the type of use contemplated.
 - B. Zoning requirements as to lot sizes and dimensions.
 - C. Needs for convenient access, circulation, control and safety of street traffic.
 - D. Limitations and opportunities of topography.
- 2) Block lengths shall not exceed 1,000 feet, or be less than 500 feet.

Sharptown Subdivision Ordinance #74

- 3) Pedestrian crosswalks, not less than ten feet wide, shall be required where deemed essential to provide circulation, or access to schools, playgrounds, shopping centers, transportation, and other community facilities.

5:05 Lots

A. New subdivisions or developments.

- 1) Lot dimensions shall conform to the requirements of the Sharptown Zoning Ordinance #19.
- 2) Corner lots for residential use shall have extra width to permit appropriate building setbacks from and orientation to both streets.
- 3) Each lot must front upon a public street or road which is not less than fifty feet in width. All lot corners must be monumented at time of sale or transfer.
- 4) Double frontage, and reverse frontage lots, should be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation. A planting screen easement of at least ten feet, and across which there shall be no right of access, shall be provided along the line of lots abutting such a traffic artery or other disadvantageous use.
- 5) Side lot lines shall be substantially at right angles or radial to street lines.
- 6) In the event the subdivider shall dedicate lands for public facilities, then the area included in such dedication shall be added into the total area that would be used to derive the required minimum lot size of the subdivision or, in the case of multi-family units, the maximum permitted density, but the subdivider shall not thereby be allowed to reduce the required lot widths.

B. Existing Subdivisions. – The Commission shall in computing the size of a lot in an existing subdivision or development include in the computation any area required to be dedicated for street widening.

Sharptown Subdivision Ordinance #74

5:06 Public Sites and Open Spaces

- 1) Where a proposed park, playground, school or other public use shown in a Master Plan is located in whole or in part in a subdivision, the Planning and Zoning Commission may require the dedication or reservation of such area within the subdivision proportioned to the usage requirements of the subdivision.
- 2) Where deemed essential by the Planning and Zoning Commission, upon consideration of the particular type of development proposed in the subdivision, and especially in large-scale neighborhood unit developments not anticipated in the Master Plan, the Planning and Zoning Commission may require the dedication or reservation of such other areas or sites of a character, extent, and location suitable to the needs created by such development for schools, parks, and other neighborhood purposes.

5:07 Monuments

Permanent monuments shall be placed at all block corners, angle points, points of curves in streets, and at intermediate points as required by the zoning official.

5:08 Utility and Street Improvement

- 1) Utility and street improvements shall be provided in each new and revised subdivision or development in accordance with the standards and requirements described in the following schedules.
- 2) The standards and specifications for each general type of development shall be as follows:
 - A. For apartment, townhouse, cluster and similar multi-family residential types, improvements to be in accord with Standard A.
 - B. For one-family detached dwellings with typical lot widths of 100 feet or less, improvements to be in accord with Standard B.
 - C. For country homes with typical lot widths 100 feet or greater improvements to be in accord with Standard C.

Sharptown Subdivision Ordinance #74

- D. For commercial, industrial and other type, as determined by the Planning and Zoning Commission with the advice of the zoning official.
- E. For re-subdivision of portions of existing subdivisions as determined by the Planning and Zoning Commission with the advice of the zoning official.

5:09 Schedules of Required Utilities and Street Improvements.

Standard

A. B. C.

- | | | | |
|---|---|---|--|
| x | x | x | 1) Grading and centerline gradients: per plans and profiles approved by the zoning official after consultation with the Wicomico County Roads Department so long as said county shall under contract continue to maintain the streets within the town. |
| x | x | x | 2) Storm water system and other drainage improvements: per plans approved by the zoning official after consultation with the Wicomico County Soil Conservation. |
| x | x | x | 3) Public water where available per town engineering specifications. |
| x | x | x | 4) Public sewer where available per town engineering specifications. |
| x | x | x | 5) Electric, telephone and other transmission or utility lines shall be installed per specifications of public utility companies involved. |

5:10 Grading

- 1) All streets, roads and alleys shall be graded to their full width by the subdivider per the Wicomico County Construction Standards so that pavements and sidewalks can be constructed on the proper plan. Due to special topographical conditions, deviation from the above will be allowed by waiver of the Planning and Zoning Commission.

Sharptown Subdivision Ordinance #74

5:11 Drainage Plan

- 1) The developer at the time of presenting the preliminary plat for approval shall submit an adequate plan for the disposal of all storm water in the proposed subdivision, per the Storm Water Management Ordinance #31, which plan shall be subject to the approval of the Town Council of Sharptown in addition to that of the Planning and Zoning Commission.

5:12 Stabilization

- 1) The sub grade shall be stabilized per the Wicomico County Construction Standard Manual.

5:13 Roadway Surfacing

- 1) The developer or subdivider shall pay the costs of hard surfacing the streets and roads in his subdivision and the work shall be done as set forth in this Public Works Agreement with the Town Recoupment of the costs of hard-surfacing shall be as provided in the Public Works Agreement; but in no event shall the developer recoup more than the cost of hard-surfacing the portion of the hard surfaced street which fronts on lots not owned by developer.

5:14 Curbs and Gutters

- 1) The developer will be required to place combined curb and gutter or valley gutter per Wicomico County Construction Standards along both sides of the street for the entire length of these limiting grades, or in block units as the Planning and Zoning Commission may determine. In locations where storm water inlets are required for drainage the developer shall be required to place a sufficient amount of curb and gutter to properly develop the flow of water into the inlets.

5:15 Street trees per requirements of Planning and Zoning Commission.

5:16 Sidewalks per requirements of Planning and Zoning Commission under specifications issued by the zoning official.

5:17 Planting strips; seeding loaming fertilizing per specifications issued by the zoning official.

5:18 Street name sign: at all intersections as per design approved by the Planning and Zoning Council.

Sharptown Subdivision Ordinance #74

5:19 Whenever the zoning official finds that extraordinary physical conditions exists, he may vary the above requirements for utilities and street improvements, after approval of the Planning and Zoning Commission such variations shall be in accordance with accepted engineering practices, and provided, further, that such variation will not have the effect of nullifying the intent and purpose of those schedules.

Section 6: Plats and Data

6:01 Pre-application Plans and Data

- 1) General Subdivision Information shall describe or outline the existing conditions of the site and the proposed development as necessary to supplement the drawings required below. This information may include data on existing covenants, land characteristics, and available community facilities and utilities: and information describing the subdivision proposal such as number of residential lots, typical lot width and depth, price range, business areas, playgrounds, park areas, and other public areas, proposed protective covenants, and proposed utilities and street improvements.
- 2) Location Map shall show the relationship of the proposed subdivision to existing community facilities which serve or influence it. Include development name and location; main traffic arteries; public transportation lines; shopping centers; elementary and high schools; parks and playgrounds; principal places of employment; other community features such as railroads, airport, hospital, churches, other public and semi-public buildings; title; scale, north arrow; and data.
- 3) Sketch Plan on topographic survey shall show in simple sketch form the proposed layout of streets, lots and other features in relation to existing conditions. The sketch plan may be a free-hand pencil sketch made directly on a print of the topographic survey. In any event the sketch plan shall include either the existing topographic data listed in 1-B below or such of these data as the Planning and Zoning Commission determines is necessary for its consideration of the proposed sketch plan.

Sharptown Subdivision Ordinance #74

6:02 Plats and Data for Conditional Approval

- 1) Topographic Data required as a basis for the Preliminary Plat, in 2-B below, shall include existing conditions as follows except when otherwise specified by the Planning and Zoning Commission.
 - A. Boundary Lines: bearing and distances.
 - B. Easements: location, width and purpose.
 - C. Streets on and adjacent to the tract: name and right of way width and location; type, width and elevation of surfacing, any legally established center-line elevations; walks, curbs, gutters, culverts, etc.
 - D. Utilities on and adjacent to the tract: location, size and invert elevation of sanitary, storm and combined sewers, location and size of water mains, location of gas lines, fire hydrants, electric and telephone poles, and street lights; location of underground electric, telephone and other transmission or utility lines; if water mains and sewers are not or adjacent to the tract, indicate the direction and distance to, and size of nearest ones, showing invert elevation of sewers.
 - E. Ground elevations on the tract: based on datum plane approved by the zoning official: for land that slopes less than approximately two percent (2%) show spot elevation at all breaks in grade, along all drainage channels or swales, and at selected points not more than 100 feet apart in all directions; for land that slopes more than approximately two percent (2%) either show contours with an interval of not more than five feet if ground slope is regular and such information is sufficient for planning purposes, or show contours with an interval of not more than two feet if necessary because of irregular land or need for more detailed data for preparing plans and construction drawings.
 - F. Other conditions of the tract: water courses, marshes, wooded areas, isolated preservable trees one foot or more in diameter, houses, barns, shacks, and other significant features.

Sharptown Subdivision Ordinance #74

- G. Other conditions of adjacent land: approximate direction and gradient of ground slope, including any embankments or retaining walls; character and location of buildings, railroads, power lines, towers, and other nearby nonresidential land uses or adverse influences; owners of adjacent unplatted land; for adjacent platted land refer to subdivision plat by name, recording date, and number, and show approximate percent built-up typical lot size, and dwelling type.
 - H. Photographs, if required by the Planning and Zoning Commission: camera locations, directions of view and key numbers.
 - I. Zoning on and adjacent to the tract.
 - J. Proposed public improvements: highways or other major public improvements planned by public authorities for future construction on or near the tract.
 - K. Key Plan showing location of the tract.
 - L. Title and Certificates: present tract designation according to official records in office appropriate recorder, with names and addresses of owners, notation stating acreage, scale north arrow, datum, benchmarks, certification of registered surveyor, data of survey.
- 2) Preliminary Plat shall be at a scale of 200 feet to one inch larger (preferred scale of 50 feet to one inch). It shall show all existing conditions required above in 1-B, Topographic Data, and shall show all proposals including the following:
- A. Streets: names; right of way and roadway width; approximate grades and gradients; similar data for alleys, if any.
 - B. Other rights of way or easements: locations, width and purpose.
 - C. Location of utilities, if not shown on other exhibits.
 - D. Lot lines, lot numbers, and block numbers.
 - E. Sites, if any, to be reserved or dedicated for parks, playgrounds, or other public uses.

Sharptown Subdivision Ordinance #74

- F. Sites, if any, for multifamily dwellings, shopping centers, churches, industry or other nonpublic uses exclusive of single-family dwellings.
 - G. Minimum building setback lines.
 - H. Site data, including number of residential lots, typical lot size, and acres in parks, etc.
 - I. Title, scale, north arrow, and date.
- 3) Other Preliminary Plans. Where required by the Planning and Zoning Commission, the Preliminary Plat shall be accompanied by profiles showing existing ground surface and proposed street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision; typical cross section of the proposed grading, roadway and sidewalks; and preliminary plan of proposed sanitary and storm sewers with grades and sizes indicated. All elevations shall be based on a datum plan approved by the Director of Public Works.
- 4) Draft of Protection Covenants whereby the subdivider proposes to regulate land use in the subdivision and otherwise protect the proposed development.

6:03 Plats and Data for Final Approval

- 1) Final Plat shall comply with the land record standards established by Wicomico County as amended from time to time. The Final Plat shall show the following:
- A. Primary control points, approved by the Zoning Official, or descriptions and “ties” to such control points, approved by the Zoning Official, or descriptions, angles, bearings, and similar data on the plat shall be referred.
 - B. Tract boundary lines, right-of-way lines of streets, easements and other rights of way, and property lines of residential lots and other sites with accurate dimensions, bearings of deflection angles, and radii, arcs, and central-angles of all curves.
 - C. Name and right-of-way width of each street or other right-of-way.
 - D. Location, dimensions and purpose of any easements.
 - E. Number to identify each lot or site.

Sharptown Subdivision Ordinance #74

- F. Purpose for which sites, other than residential lots, are dedicated or reserved.
 - G. Minimum building setback line on all lots and other sites.
 - H. Location and description of monuments.
 - I. Names of record owners of adjoining unplatted land.
 - J. Reference to recorded subdivision plats of adjoining platted land by record name, date, and number.
 - K. Certification by surveyor certifying to accuracy of survey and plat.
 - L. Certification of title showing that the applicant is the land owner.
 - M. Statement by owner dedicating streets, right-of-way and any sites for public uses.
 - N. Title, scale, north arrow, and date.
 - O. Lot areas.
- 2) Cross Sections and Profiles of streets showing grades approved by the Zoning Official. The profiles shall be drawn to Wicomico County Construction Standard scales and elevations and shall be based on a datum plane approved by the Zoning Official.
- 3) A Certificate by the Zoning Official certifying that the subdivider(s) has complied with one of the following alternatives:
- A. All improvements have been installed in accordance with the requirements of these regulations and with the action of the Planning and Zoning Commission giving Conditional Approval of the Preliminary Plat, or
 - B. A bond or certified check has been posted, which is available to the Town, and in sufficient amount to assure such completion.

Sharptown Subdivision Ordinance #74

- C. An escrow agreement in a bank licensed by the State of Maryland or the United States Government, certified by the Town Attorney as valid and enforceable by the Town, and in sufficient amount to assure such completion of all required improvements.
- 4) Protective Covenants in form for recording.
- 5) A Fully Executed Deed approved by the Town Attorney for the conveyance to the Town of Sharptown of the beds of all streets, parks and public easements shown on the final plat.
- 6) Other Data: Such other Federal, State, and County certificates, affidavits, endorsements, or deductions as may be required by the Planning and Zoning Commission in the enforcement of these regulations.
- 7) Recordation of Final Plat: After approval of the final plat as provided by these regulations, the Chairman of the Planning and Zoning Commission shall certify and cause to be recorded, at the developer's expense, with the Clerk of the Circuit Court, the final plat or a linen copy; one reproducible linen copy shall be filed with the Planning and Zoning Commission; and with the Town Clerk, one copy of the final plat.

Section 7: Waivers

7:01 Modifications

Where the Planning and Zoning Commission finds that site specific circumstances warrant modifications and/or extra ordinary hardships may result from strict compliance with these regulations, it may waive the regulations so that substantial justice may be done and the public interest secured; provided that such variation will not have the effect of nullifying the intent and purpose of the Master Plan or these regulations.

7:02 Conditions

In Granting waivers, the Planning and Zoning Commission may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so varied or modified.

Sharptown Subdivision Ordinance #74

Section 8: Enforcement and Appeals

8:01 Penalty for violation of regulations

Any person in violation of any provision of these regulations shall, upon conviction thereof, be deemed guilty of municipal infraction and shall be subject to a penalty of not less than one hundred dollars (\$100.00) and not more than one thousand dollars (\$1000.00), and each day of violation shall constitute a separate offense.

8:02 Remedies available to Planning and Zoning Commission for violations of regulations

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained or any building, structure or land is used in violation of this chapter or any other law or regulation made under the authority conferred by Article 66B of the Annotated Code of Maryland, the Planning and Zoning Commission may, in addition to other remedies provided in these regulations, institute any appropriate action or proceeding in the Circuit Court, either by injunction or otherwise, to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use to restrain, correct or stable such violation to prevent occupancy of such building, structure or land and to prevent any illegal act, conduct, business or use in or about such premises.

8:03 Right of Appeal to Town Commission

Within ten days after any final ruling by the Planning and Zoning Commission, any person or any officer, department, board or bureau of the Town affected by such ruling shall have the right to appeal to the Town Commission by filing with the Town Clerk a written request that the Commission review the Planning and Zoning Commission's final ruling. The grounds of such appeal may be either alleged error in such final ruling or a combination of such grounds, but not alleged illegality of such final ruling. Such written request shall specify grounds thereof and within fifteen days after such request is filed, the Town Commission shall hold a public hearing thereon at which all interested parties, or their representatives, shall at the time of filing his appeal pay to the Town Clerk the sum of two hundred (\$200.00) to defray the cost thereof and the Clerk to the Planning and Zoning Commission shall prepare a full statement of all proceedings before the Planning and Zoning Commission relating to the grounds of appeal which statement shall be approved and signed by the Chairman of the Planning and Zoning Commission and transmitted to the Town Commission.

Sharptown Subdivision Ordinance #74

8:04 Action of the Town Commission on Appeal

The Town Commission shall render its decision within fifteen days after the date of the hearings prescribed in 8:03 above and may authorize such waiver from the terms of these regulations as will not be contrary to the public interest, where owing to special conditions, the enforcement of provisions of these regulations will result in unwarranted hardship and injustice, but which will most nearly accomplish the purpose and intent of these regulations. In case of alleged error other than illegality, the Town Commission may uphold or reverse the decision of the Planning and Zoning Commission in whole or in part. Within thirty days after such decision of the Town Commission, any person aggrieved thereby shall have the right to appeal to the Circuit Court for the county pursuant to 8:05 below. Appeal to the Town Commission under this section shall not be necessary prerequisite to such court appeal. A tape recording shall be made of the appeal to the Town Commission.

8:05 Right of Appeal to Court

Any person of the Town aggrieved by any final ruling of the Town Commission shall have the right to appeal by presenting to the Circuit Court for the county within thirty days after the date of such final ruling a petition duly verified setting forth that such ruling is illegal in whole or in part and specifying the grounds of the alleged illegality. Similarly, any person (but not the Town) so aggrieved may appeal to the Circuit Court in like manner within thirty (30) days after final decision by the Town Commission if appeal thereto has been taken under 8:04 above.

8:06 Procedure of Appeals to Court

Upon filing of any petition pursuant to 8:05 above, further proceedings thereon shall be in accordance with the Maryland Administrative Appeal Code requirements.

Sharptown Subdivision Ordinance #74

AND BE IT FURTHER RESOLVED, ENACTED AND ORDAINED BY THE TOWN COMMISSIONERS OF THE TOWN OF SHARPTOWN, MARYLAND, that this Ordinance shall take effect from and after the date of its final passage.

The above Ordinance was introduced and read to the COMMISSIONERS OF SHARPTOWN, MARYLAND, at a meeting held on the 3rd day of October, 2005, and finally passed at a meeting held on the 17th day of October, 2005, having been published as required by law in the meantime.

ATTEST:

Town Clerk

P. Douglas Gosnell, President

George R. White, Commissioner

Jean C. Cordrey, Commissioner

Kerry G. Hastings, Commissioner

Walter C. Adshead, Commissioner