

## SUMMARY OF MAJOR REVISIONS

### 1. New definitions:

**ADEQUATE PUBLIC FACILITIES** - Infrastructure and services provided by the government sufficient to meet the current and projected need.

**BONDING** - The act of providing a financial surety instrument, e.g., a bond, to cover the cost of the construction or installation of infrastructure and other required improvements in the event of a default.

**DOUBLE FRONTAGE** - A lot with frontage on two (2) non-intersecting streets.

**RIGHT-OF-WAY** - A strip of land designated for the use of a road, highway, driveway, alley or walkway, or any drainage or public utility purpose or other similar uses.

**UTILITY EASEMENT** - A utility company's right to access and control the portion of another person's land near utility facilities and structures (i.e., utility poles, transformers, overhead or underground electrical lines).

2. Clarified process – surety administered by Department of Public Works
3. Permit the Director of Planning to approve an administrative subdivision in cases where an existing structure encroaches onto an adjacent property without regard for increasing nonconformity.
4. Added a general design requirement that subdivision is consistent with the applicable infill or new development strategies outlined in the Denton Pattern Book.
5. Revised street design standards to correspond to standards outlined in Denton Public Works Specifications and Details manual.
6. Revised alley right-of-way widths to twenty-four (24) feet.
7. Set roadway width for local access streets in single-family residential areas and service drives to forty (40) feet inside curb to the inside of curb where parking is permitted on both sides of the street.
8. Set roadway width for local access streets in single-family residential where lots can be accessed from an alley and parking is restricted to one side of the street to thirty-one (31) feet from inside the curb to the inside curb.
9. Set roadway width for alleys to eighteen (18) feet.
10. Clarify the public realm as the area from the back of curb to back of curb. Other features like a sidewalk, street trees, and utilities are adjacent easements not part of the public dedication.
11. Eliminated details concerning drainage and storm sewers and added references to Chapter 106, Denton Stormwater Management Ordinance, and the Denton Public Works Specifications and Details manual.

12. Make final subdivision plat approval conditional on installing all improvements in the subdivision except for the roadway wearing surface.
13. Release of bonds or other financial surety subject to all monuments' setting and inspection by the Town.
14. Referred to Chapter 49, Erosion and Sediment Control, for details concerning site grading.
15. Replaced authority and procedures for modifications and exceptions with variances heard by the Board of Appeals as provided in § 128-163 of the Denton Zoning Ordinance.

ORDINANCE NO. 716

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

AN ORDINANCE OF THE TOWN OF DENTON REPEALING AND REENACTING WITH AMENDMENTS CHAPTER 73, LAND SUBDIVISION OF THE TOWN CODE

WHEREAS, Article XI-E, Constitution of the State of Maryland; Section 4-103(b)(3), Subtitle 1, Title 4, Division II, Local Government Article, Annotated Code of Maryland; and the Charter and Code of the Town of Denton provide the authority under which the Town Council may adopt, repeal, and/or amend the ordinances of the Town of Denton; and,

WHEREAS, the Town of Denton is authorized by Maryland Land Use Article to enact and administer subdivision regulations, which regulations are Chapter 73 of the Denton Town Code; and

WHEREAS, in order to clarify and amend current regulations, and to implement the numerous revisions to Chapter 73, Land Subdivision of the Town Code, such that the Town wishes to repeal and reenact with amendments the entire Chapter 73, Land Subdivision; and

WHEREAS, the Denton Planning Commission considered the revised Chapter 73, Land Subdivision and has recommended that the Town Council approve this Ordinance; and

WHEREAS, the Town Council has determined that it is desirable and in the public interest to repeal and reenact Denton Town Code Chapter 73, related to Subdivision Regulations; and

NOW, THEREFORE, the Town of Denton hereby ordains:

Section 1: The recitals set forth above are incorporated herein by reference and made a part of this Ordinance.

Section 2: Chapter 73, Land Subdivision of the Code of the Town of Denton, be repealed and reenacted with amendments to read as shown on the attached Exhibit A.

Section 3. In accordance with § C3-12 of the Town Charter, this Ordinance and the rules, regulations, provisions, requirements, orders, and matters established and adopted hereby shall take effect and be in full force and effect seven (7) days from and after the date of its final passage and adoption, except that in accordance with Md. Code Ann., Land Use §§ 4-203(b)(3) and 4-204(b)(5), this Ordinance shall not be effective until at least ten (10) days after a public hearing is held.

ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021.

DENTON TOWN COUNCIL:

\_\_\_\_\_  
Abigail McNinch, Mayor

\_\_\_\_\_  
Dallas Lister, Councilperson

\_\_\_\_\_  
Lester L. Branson, Councilperson

\_\_\_\_\_  
Walter Keith Johnson, Councilperson

\_\_\_\_\_  
Doncella Wilson, Councilperson

ATTEST:

\_\_\_\_\_  
Karen L. Monteith, Clerk-Treasurer

Approved for legal sufficiency this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Christopher F. Drummond, Town Attorney

Date Introduced \_\_\_\_\_

Date Amendments Introduced \_\_\_\_\_

Date Passed \_\_\_\_\_

Effective Date \_\_\_\_\_

Text that is stricken reflects language omitted from the Town Code

Text in **bold** and *italicized* reflects additions to the Town Code

Exhibit A

**Denton Town Code Chapter 73  
Land Subdivision**

**§ 73-1 Title and applicability.**

- A. Title. This chapter shall be known, referred to, and cited as the "Land Subdivision Ordinance of Denton, Maryland."
- B. Applicability. This chapter shall apply to the incorporated territory of Denton, Maryland. The regulations contained herein are adopted under the authority of the Land Use Article, Annotated Code of Maryland, as amended. They shall be in addition to any regulations pertaining to land subdivision promulgated by the State Department of Health or other agency of the State of Maryland. In the case of any conflict, stricter regulation shall prevail.

**§ 73-2 Purpose.**

This chapter has been established to guide and accomplish the coordinated and harmonious development of the Town of Denton, Maryland, and its environs, 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 Denton, Maryland and its environs.

**§ 73-3 Definitions.**

- A. General rules of construction. The following general rules of construction shall apply to the regulations of this chapter:
- (1) The singular number includes the plural and the plural the singular unless the context indicates the contrary.
  - (2) Words used in the present tense include the past and future tenses and the future the present.
  - (3) The word "shall" is always mandatory; the word "may" is permissive.
  - (4) The word "public" means "open to common use," whether or not public ownership is involved.
  - (5) Words and terms not defined herein shall be interpreted according to their normal dictionary, meaning the customary usage.
- B. Definitions. For this chapter, certain terms and words are hereby defined:

**ADEQUATE PUBLIC FACILITIES** Infrastructure and services provided by the government sufficient to meet the current and projected need.

**ADMINISTRATIVE SUBDIVISION**

The replatting, redefining, or reboundarying of two (2) or more existing lots, tracts, or parcels that does not result in any additional lots.

**ALLEY**

A narrow public thoroughfare, not exceeding eighteen (18) feet in width, which provides a secondary means of vehicular access to abutting properties, and which is not intended for general circulation.

**ARTERIAL ROAD (PRINCIPAL AND MINOR)**

A state road that is a moderate- or high-capacity through route providing direct service between Maryland Eastern Shore cities and towns.

**BONDING**

The act of providing a financial surety instrument, e.g., a bond, to cover the cost of the construction or installation of infrastructure and other required improvements in the event of a default.

**BUILDING LINE (ALSO KNOWN AS BUILDING RESTRICTION LINE (BRL))**

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 that is intended to collect traffic from the minor streets within a neighborhood, or a portion thereof, and distribute such traffic to arterial roads and provide access to properties abutting thereon.

**CONCEPT PLAN (ALSO KNOWN AS A SKETCH PLAN)**

A sketch of the property, drawn to an appropriate 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.

**CORNER LOT**

A lot contiguous to two (2) intersecting streets and having access to both streets.

**CRITICAL AREA COMMISSION**

Critical Area Commission for the Chesapeake and Atlantic Coastal Bays.

**CROSSWALKWAY**

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

**CUL-DE-SAC**

A minor street having but one end open for vehicular traffic and with the other end permanently terminated by a turnaround or back around for vehicles.

**DEDICATION**

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

**DIRECTOR OF PLANNING**

The Denton Director of Planning and Codes Administration.

**DOUBLE FRONTAGE**

A lot with frontage on two (2) non-intersecting streets.

**EASEMENT**

An area of land for which the owner grants a right of use to someone else for one or more designated purposes, which purposes are consistent with the owner's general property rights.

**ENGINEER**

The Engineer of the Town of Denton.

**EXISTING LOT**

A lot of record which exists at the time the application for administrative subdivision is filed.

**FINAL PLAT**

A plan or map prepared per the provisions of this regulation and those of any other applicable local regulation and is prepared to be placed on record in the office of the Clerk of the Circuit Court of Caroline County.

**FLAG LOT**

The shape of a property, where access to a road is provided along the long, narrow "flagpole," and the usable land itself is the rectangular "flag" at the end of the pole. A "flagpole" shall have a minimum width of fifty (50) feet.

**GEOGRAPHIC INFORMATION SYSTEM (GIS)**

A system that captures, integrates, stores, analyzes, manages, and displays data linked to location and merges cartography, statistical analysis, and database technology.

**HEALTH OFFICER**

The Health Officer of Caroline County.

**GREENWAY**

A long, narrow piece of land that is often used for recreation and pedestrian and bicycle traffic.

**GROWTH ALLOCATION**

The number of acres of land in the Critical Area that the Town of Denton may use, or the county may allocate to municipal jurisdictions to create new Intensely Developed Areas and new Limited Development Areas. The growth allocation acreage is 5% of the total Resource Conservation Area acreage in Denton at the time the Critical Area Commission approved Denton's original Critical Area Program, not including tidal wetlands, plus additional acres included from the County's calculated amount (5%) of Resource Conservation Area that existed when the Critical Area Commission approved Caroline County's original Critical Area Program (that the Town may request, and the county may allocate).

## **IMPROVEMENT PLANS**

Construction plans of the required improvements.

## **IMPROVEMENTS**

Those physical additions, installations, and changes, such as streets, curbs, sidewalks, water mains, sewers, drainage facilities, public utilities, and other appropriate items required to render land suitable for the use proposed.

## **LOCAL ACCESS STREET**

A street that is primarily used to gain access to the property bordering it.

## **LOT**

A portion of a subdivision or other parcel of land intended for building development, whether immediate or future, and having access to a street. Also used interchangeably with "plot."

## **LOT AREA**

The total horizontal area within the lot lines of the lot.

## **LOT DEPTH**

The horizontal distance between the front and rear building lot lines.

## **LOT LINE**

The boundary line of the lot.

## **LOT WIDTH**

The horizontal distance between the side lot lines measured at the required front and rear building setback lines.

## **MAJOR COLLECTOR**

Relatively low-speed, low-volume street that provides circulation within and between neighborhoods and is intended for collecting trips from local access streets.

## **MINOR COLLECTOR**

Relatively low-speed, lower-volume-than-major-collector street that provides circulation within and between neighborhoods and is intended for collecting trips from local access streets.

## **PARCEL**

Used interchangeably with "lot," although a parcel may include more than one lot. Also used interchangeably with "plot."

## **PLANNED RESIDENTIAL DEVELOPMENT (PRD)**

A development constructed on a tract of at least five (5) acres under single ownership planned and developed as an integral unit and consisting of single-family detached residences combined with either

duplex, townhouse, or multifamily residences, or all the above, all developed under Chapter **128**, Article **XIII** (Density and Dimensional Regulations).

**PLANNED UNIT DEVELOPMENT (PUD)**

Development of a mixture of commercial and residential units based on a unified master plan on a single site or adjoining sites under a single entity's control.

**PLANNING COMMISSION**

The Denton Planning Commission.

**PLANNING STAFF**

Members of the Town of the Denton Department of Planning and Codes Administration.

**PLAT**

A plan or map of a piece of land.

**PLOT**

Used interchangeably with "lot."

**PRELIMINARY PLAT**

A map made to show the design of a proposed subdivision and the existing conditions in and around it.

**REGULATIONS**

The whole body of regulations, text, charts, diagrams, notations, and references contained or referred to in this chapter.

**RESULTING LOT**

A lot which will exist if the application for administrative subdivision is approved.

**RIGHT-OF-WAY**

A strip of land designated for the use of a road, highway, driveway, alley or walkway, or any drainage or public utility purpose or other similar uses.

**ROADWAY**

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

**SERVICE DRIVE or SERVICE ROAD**

A minor street, also called a frontage road, is a local access street running parallel to and adjacent to an arterial road or major collector that provides access to abutting properties and restricts access to the arterial or major collector road.

**STREET**

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

**STREET LINE**

A dividing line separating a lot, tract, or parcel of land and an adjacent street, and referred to as a right-of-way line.

**SUBDIVIDER**

Any person, individual, contract purchaser (option holder), firm, partnership, association, corporation, limited liability company, estate, trust, or any other group or combination, acting as a unit, dividing, or proposing to divide land 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 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.

**SUBDIVISION, ARCHITECTURALLY INTEGRATED OR CLUSTER**

A subdivision in which approval is obtained not only for the division of land into lots but also for a configuration of principal buildings to be located on such lots. The plans for an architecturally integrated or clustered subdivision shall show the dimensions, height, and location of all such buildings to the extent necessary to comply with the purpose and intent of architecturally integrated or clustered subdivisions as outlined in Chapter 128, Zoning.

**SUBDIVISION, MAJOR**

Any subdivision other than a minor subdivision.

**SUBDIVISION, MINOR**

A subdivision that does not involve any of the following: the creation of more than three (3) lots; the creation of any new public streets; the extension of a public water or sewer system; or the installation of stormwater management improvements through one or more lots to serve one or more other lots.

**TECHNICAL ADVISORY COMMITTEE (TAC)**

A team of Town staff members, no more than two Planning Commission members and Town professionals for the explicit reason of reviewing proposed plan submittals.

**UTILITY EASEMENT**

A utility company's right to access and control the portion of another person's land near utility facilities and structures (i.e., utility poles, transformers, overhead or underground electrical lines).

**§ 73-4 General provisions.**

- A. Subdivider must prepare and record a plat. From and after the effective date of this chapter, any owner, agent, or proprietor of any tract of land located within the Town of Denton 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 per the regulations set forth herein and the laws of the State of Maryland, and shall cause a copy of the said plat to be recorded in the office of the Clerk of the Circuit Court.

- B. Approval of plat required. The Clerk of the Circuit Court shall record no plat of subdivision unless it has been approved by the Planning Commission or the Director of Planning as provided herein. The Planning Commission or the Director of Planning shall not approve the said plat unless and until the plat satisfactorily complies with these regulations' requirements.
- C. Transfer of land; building permits. 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 per these regulations and the laws of the State of Maryland. Any person who violates this provision shall be subject to the penalties contained herein.
- D. Requirements for plat preparation. 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 outlined in § 73-6, and with the rules and regulations concerning required improvements as outlined in § 73-8 and the standards and specifications for improvements as adopted by the Town Council, and in every case, the preparation of such plat shall be in accordance with the procedure of § 73-5.
- E. Delegation of power of approval.
  - (1) The Director of Planning is authorized to approve administrative and minor subdivisions.
  - (2) The Director of Planning to whom the authority is granted per this section may approve a final plat and shall have those powers conferred on the Planning Commission by this chapter which are necessary to exercise such authority. Concerning any subdivision, the Director of Planning is authorized to approve, the words "Planning Commission" in other sections of this chapter shall be construed to mean Director of Planning.

**§ 73-5 Procedure for plat submission and approval.**

- A. Preliminary conference.
  - (1) Before undertaking the preparation of a subdivision plat, the subdivider may prepare and submit a concept plan of the property in question, drawn to an appropriate 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 provide the Planning Commission with twelve (12) copies of the concept plan.
  - (2) The subdivider may then consult with the Planning Commission and/or its staff to ascertain the location of proposed major streets, highways, open space, parks, playgrounds, school sites, and any other planned public improvements, and to determine the zoning regulations and other requirements relating to, affecting, or applying to the proposed subdivision. The subdivider may also consult with the Engineer, the Health Officer, and others, including but not limited to the Denton Volunteer Fire Department, Emergency Management Services, on the proposed street layout and the proposed facilities for sanitary sewage disposal, stormwater management, and water supply to serve the proposed subdivision. Large subdivisions may require consultation with the Technical Advisory Committee. The purpose of the Technical Advisory Committee is to assist the subdivider by furnishing information and advice 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.

- (3) The consultations and the preliminary conference results in no way constitute or imply subsequent preliminary and/or final plat approval by the Planning Commission.

B. Submission of the preliminary plat.

- (1) The subdivider shall prepare a preliminary plat of the proposed subdivision conforming to the requirements for preparing such a plat as outlined in § 73-7. At least forty-five (45) days before 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: twelve (12) black-line or blue-line prints of the preliminary plat supporting statements on required improvements and proposed deed restrictions, as set forth in § 73-7; and an application for the approval of the plat on a form to be supplied by the Planning Commission. Appropriate application fees shall be paid at the time of application submittal. Property taxes on the property proposed to be subdivided, or other owners' taxes owed to the Town shall not be in arrears.
- (2) The preliminary plat shall be checked by the Planning staff and Planning Commission for its conformity with the Comprehensive Plan of the Town, the applicable zoning and other regulations, the design principles and standards and requirements of submission as outlined in this chapter, and any other standards and specifications for improvements as adopted by the Town Council. Copies of the preliminary plat shall be referred to the Engineer, Health Officer, and other appropriate public officials concerned with public improvements or health and safety requirements for review and approval.

C. Preliminary plat approval.

- (1) A review of the preliminary plat shall be held at the next regular meeting of the Planning Commission (within at least forty-five (45) days after an application has been deemed complete and is accepted by the Town). The Planning Commission shall hold no hearing until notice thereof shall have been sent to the subdivider and each other interested parties as may be determined by the Planning Commission and as required notification requirements as indicated in Chapter 128, Zoning, Article XXI, Requirements for Public Hearing and Public Notice. At the hearing, the Planning Commission shall submit its findings and recommendations, together with those of the other public officials to whom copies were referred. The Planning Commission shall either tentatively approve or disapprove the preliminary plat or approve the plat subject to specific changes or modifications. One 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.
- (2) Approval of the preliminary plat shall be valid for not more than nine (9) months, except that the Planning Commission may grant one (1) extension for an additional six-month period. Unless a final plat, substantially following the approved preliminary plat and including any required changes or modifications, shall be filed with the Planning Commission within six (6) months from the date of approval of the preliminary plat or any extension thereof, the Planning Commission's approval thereof shall be deemed canceled; provided, however, that the final plat may include only a portion of the area in the preliminary plat, and that the final plat for remaining portions may be filed at a later date

without a new preliminary plat, but subject to any changes in the regulations contained herein made after such six-month period or any extension thereof.

- (3) The Planning Commission may appoint a Subdivision Technical Advisory Committee to review, comment, and make recommendations concerning subdivision applications and improvement plans.
- D. Installation of improvements. Following the preliminary plat's approval, the subdivider shall prepare and submit plans for installing those improvements required under the provisions of this chapter. Copies of such improvement plans shall be submitted to appropriate public officials for approval. Upon being notified that such improvement plans have been approved, the subdivider may furnish the Denton Public Works with a cash deposit or performance bond or letter of credit executed per the provisions of § 73-8A of this chapter.
- E. Submission of a final plat.
- (1) After completing the required improvements to the satisfaction of the appropriate public officials or following the posting of a performance bond or letter 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 intended to be developed as a unit. Additional final plats covering additional property units may be submitted later, provided that the preliminary plat is still valid. Every final plat shall be substantially in accordance with the approved preliminary plat, including any changes or additions required by the Planning Commission as a prerequisite for its approval. It shall conform in every respect with the requirements for preparing such a plat outlined in § 73-9.
  - (2) At forty-five (45) days before a regularly scheduled meeting of the Planning Commission at which action on the final plat is desired, the subdivider shall have filed the following items with Planning and Codes: twelve (12) black-fine or blue-line prints of the plat; a digital copy of the parcel layer GIS in NAD83 coordinate system tied to state-certified survey point; a properly executed statement of dedication of all streets in the subdivision to the appropriate jurisdiction, constituting an irrevocable offer to dedicate for not less than five (5) years from the date of its filing with the Planning Commission; and an application for approval of the plat on a form to be supplied by the Planning and Codes. Appropriate application fees must be paid at the time of application submittal. Property taxes on the property proposed to be subdivided shall not be in arrears.
- F. Final plat approval and recording.
- (1) Upon receipt by the Planning Commission of required documentation, the Planning Commission shall consider the final plat's approval at its next regular meeting. If the final plat is found to comply with this chapter's requirements and with the preliminary plat as approved, the Planning Commission shall approve the said plat. It shall endorse the fact of such approval on each of the several copies submitted by placing the signature of its Planning Commission Chairman thereon.
  - (2) The Planning Commission shall approve or disapprove the final plat within sixty (60) days after filing such plat with the Planning and Codes provided all other agency approvals are given. Otherwise, such plat shall be deemed to have been approved. 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 Planning Commission's record.

- (3) Upon approval of the final plat by the Planning Commission, the seven (7) signed copies of the plat shall be filed by the subdivider with the Clerk of the Circuit Court and the Health Officer. Proof of filing shall be provided to the Planning and Codes. The Planning Commission shall forward the signed blackline or blue-line prints to the Town Clerk, the Police Chief, and the Engineer, with one (1) print retained by the Planning Commission and one print returned to the subdivider.

G. Before the final plat's recordation, the property owner and/or developer shall execute a public works agreement, with and in a form acceptable to the Town. Such agreement shall outline the owner's standards and responsibilities and/or developer for the required improvements. The public works agreement shall include provisions for payment of the fees, costs, and expenses incurred by the Town in enforcing the public works agreement.

H. Administrative subdivision.

- (1) Applicability. This section applies only to a subdivision which is made for a purpose referred to in Subsection H(2) below and which:

- (a) Involves the replatting, redefining, or reboundarying of three (3) or fewer existing lots;
- (b) Will provide a number of resulting lots equal to or less than the number of existing lots involved in the subdivision;
- (c) Does not affect required improvements or existing covenants or guarantees required by this chapter; and
- (d) Does not involve the creation of new roads or new rights-of-way.

- (2) Purpose and limitations.

- (a) An administrative subdivision may be approved only for one of the following purposes:

- [1] Establishing one or more resulting lots that conform to all this chapter's provisions and Chapter 128, Zoning.
- [2] Increasing the size of one or more nonconforming existing lots by adding contiguous land.
- [3] Combining existing lots, or parts of existing lots, to meet any requirements of this chapter and Chapter 128, Zoning.

- (b) Resulting lots. The administrative subdivision shall not be approved unless:

- [1] All resulting lots will comply with all requirements of this chapter and Chapter 128, Zoning.
- [2] Except as provided in subsection [3] following, the administrative subdivision increases the

size of one or more existing nonconforming lots. All lots created shall meet all other requirements of this chapter and Chapter 128, Zoning.

[3] Where an existing structure encroaches onto an adjacent property, the Director of Planning may approve an administrative subdivision to adjust lot lines without regard for increasing nonconformity. Such application shall include a survey showing the location of all existing structures and lot lines.

[4] An administrative subdivision shall be applied for in the same manner as a minor subdivision.

#### **§ 73-6 Design requirements and standards.**

##### **A. General requirements.**

- (1) The subdivision layout shall be consistent with the applicable infill or new development strategies outlined in the Denton Pattern Book.
- (2) The subdivision layout shall be consistent in all essential respects with the transportation element in the Town Comprehensive Plan and other aspects of the Roads and Street policies outlined in the Denton Comprehensive Plan.
- (3) The subdivision layout shall be in full compliance with the zoning district's provisions in which it is located.
- (4) The subdivision layout shall be designed following the principles and standards contained in this section and any other standards and specifications for improvements as adopted by the Town Council, with the objective of achieving the most advantageous development of the subdivision and adjoining areas.

##### **B. Suitability of land.**

- (1) Land subject to periodic flooding shall not be subdivided for residential occupancy or 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. See Chapter 58, Floodplain Zones.
- (2) 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.

##### **C. Street layout.**

- (1) The street layout shall be designed to create desirable building sites while respecting existing topography, minimizing street grades, avoiding excessive cuts and fills, ensuring compliance with stormwater regulations, protecting environmentally constrained areas, and preserving natural resources, including trees, to the maximum extent possible.

- (2) 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 collector streets.
- (3) Where the subdivision adjoins or embraces any part of major collector streets as designated on the transportation element of the Comprehensive Plan, the layout of such subdivision shall provide for the platting and dedication of such part of the major collector streets 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 collector streets which is more than sixty (60) feet in width.
- (4) Wherever deemed desirable to the layout of the subdivision and adjoining areas, the Planning Commission may require platting and dedication of one or more collector streets, or parts thereof, to serve the subdivision.
- (5) Local access streets, intended primarily for access to individual properties, shall be arranged to discourage through traffic.
- (6) Streets shall be laid out to intersect at right angles (90°) unless topography and the limiting factors of good design prohibit. Proposed streets intersecting at less than 90° shall be required to obtain Planning Commission approval. No street shall intersect another street at an angle of less than 60°.
- (7) 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.
- (8) 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, employing temporary easements or otherwise.
- (9) Where the subdivision abuts or contains a major or minor collector street as designated in the transportation element of the Comprehensive 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 major or minor collector street and to afford separation of through and local traffic, by one of the following means:
  - (a) Provide vehicular access to such lots utilizing a service drive separated from an arterial or major collector by a buffer strip of berm and planting and connecting therewith at infrequent intervals.
  - (b) Design reverse frontage lots with access only from a parallel local access street or loop streets. With vehicular access to such lots from the arterial prohibited by deed restrictions or other means. A buffer strip of berm and planting shall be provided on the reverse frontage lots. Whether an individual or a homeowners' association, the property owner shall be responsible for buffer strip maintenance of vegetation.
  - (c) The choice of the most appropriate method to accomplish the desired purpose in a specific instance shall be made by the Planning Commission, considering topography and other physical

conditions, the character of existing and contemplated development in the subdivision and its surroundings, and other pertinent facts.

- (10) Cul-de-sac streets are not preferred; however, they shall be permitted where they are necessitated by topographic conditions or where, in the Planning Commission's judgment, they are appropriate to the type of development contemplated. Cul-de-sac streets shall not exceed five hundred (500) feet in length.
- (11) Alleys shall be provided in commercial and industrial areas unless adequate access to parking and loading areas is provided by other means. Alleys may be permitted in residential areas for providing rear access to dwellings or where required by topographic or other unusual conditions. In the absence of alleys, easements will be required for utility lines or stormwater facilities.
- (12) Half streets will be prohibited.
- (13) Private streets shall not be permitted in any proposed major subdivision.
- (14) Traffic impact studies or operational analyses shall be provided for any proposed major subdivision at the discretion of the Planning Commission.

D. Street design standards.

- (1) General. Streets shall include public and semi-public realms. The public realm shall extend from the back of curb to back of curb and shall correspond to the minimum required street type right-of-way. The public realm shall be dedicated to public use and may be accepted by the Town as part of the Town street system. The semi-public realm shall be a public easement across the front of lots. Utilities not located within the public realm, street trees, and pedestrian facilities, e.g., sidewalks, may be placed here.
- (2) Right-of-way widths.
  - (a) Minor arterials or major collectors. Right-of-way widths for minor arterials or major collectors as designated in the transportation element of the Comprehensive Plan shall be not less than one hundred fifty (150) feet for minor arterials and sixty (60) feet for major collectors; provided, however, that widths above these minimums may be required for state roads by the State Highway Administration to meet particular traffic conditions.
  - (b) Minor collector streets, commercial, and industrial streets. Sixty (60) feet.
  - (c) Local access streets and service drives in residential developments. Right-of-way widths for local streets and service drives in residential development shall be the area measured from back of curb to back of curb.
  - (d) Alleys. Service drives. Twenty-four (24) feet.
- (3) Roadways widths.

- (a) Minor arterial and major collector streets. Not less than the minimum specified for state roads by the State Highway Administration but in any case, less than twenty-four (24) feet with ten-foot shoulders.
- (b) Roadway widths for other street types shall be not less than the following:
  - [1] Minor collector streets and local access streets in multiple-family residential: thirty-six (36) feet inside of curb to the inside of curb. Streets serving lots of one (1) acre or more may have, with the Planning Commission's approval, a minimum roadway width of thirty (30) feet inside of curb to the inside of curb.
  - [2] Minor collector streets and local access streets in commercial and industrial areas: forty (40) feet inside of curb to the inside of curb.
  - [3] Local access streets in single-family residential areas and service drives: forty (40) feet inside of curb to the inside of curb where parking is permitted on both sides of the street.
  - [4] Local access streets in single-family residential where lots can be accessed from an alley and parking is restricted to one side of the street: thirty-one (31) feet from inside of curb to the inside of curb.
  - [5] Streets serving lots of one (1) acre or more may have, with the Planning Commission's approval, a minimum roadway width of twenty (20) feet inside of curb to the inside of curb.
  - [6] Alleys: eighteen (18) feet.
- (c) Cul-de-sac: Cul-de-sac streets shall have a circular turnaround of not less than forty-five (45) feet in diameter to the street line and with a roadway of not less than fifty-two (52) feet in diameter. The use of cul-de-sac street design is discouraged.
- (d) Street grades: Street grades shall not exceed 5% for arterial and collector streets and 8% for local access streets, service drives, and alleys. Street grades shall be not less than 1/2 of 1%.
- (e) All changes in street grades of more than one (1%) percentage point 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.
- (f) Curvature. The curvature radius on the centerline shall be not less than four hundred (400) feet for arterial streets, three hundred (300) feet for collector streets, and one hundred (100) feet for local access 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.
- (g) Street intersections shall be designed in conformance with the following requirements.

- [1] The intersection design should provide clear sight distance for oncoming vehicles, and there should be a proper leveling of the street grade within and approaching the intersection.
- [2] No more than two (2) streets shall cross at the same point.
- [3] An arc shall round off each property corner at street intersections. Curbs at street intersections shall be rounded off concentrically with the property lines. Minimum curb or edge of pavement radii shall be provided in accordance with the following:
  - [a] Alleys: sixteen (16) feet back of curb or edge of the pavement.
  - [b] Collector streets: thirty (30) feet back of curb or edge of pavement or as required to adequately serve the maximum size vehicle expected to use the street.
  - [c] Minor residential streets: twenty-five (25) feet back of curb or edge of the pavement.
- [4] Right-of-way lines at intersections shall be rounded by tangential arcs concentric with the paved radii lines and a minimum radius of the paved radii plus an additional ten (10) feet.
- [5] Proper sight lines shall be maintained at the intersections of all streets. A clear sight triangle shall be measured along the center lines of intersecting streets to a point seventy-five (75) feet from the center of the intersection.
- [6] Signage shall be in accordance with the Manual on Uniform Traffic Control Devices (MUTCD) as adopted by MD SHA.
- (h) Geometric design requirements such as a vertical curve shall be required for a change in vertical alignment (slope) exceeding 1%. A combination of minimum radius horizontal curve and maximum grade is not permitted.
- (i) Proper sight distances for driveways, entrances, and intersections shall be based on safe sight stopping distance.
- (j) Signage and pavement markings shall be in accordance with the MUTCD as adopted by the Maryland State Highway Administration.
- (k) Easements of ten (10) feet shall be created on all road-front property lines.

#### E. Blocks.

- (1) Residential blocks shall typically not exceed six hundred (600) feet in length, nor be less than four hundred (400) feet in length, between street lines. In any residential block more than five hundred

(500) feet in length, a crosswalkway of not less than ten (10) feet in width shall be required where necessary to provide convenient access to community open space, schools, playgrounds, shopping centers, and other community facilities.

- (2) Residential blocks shall generally be of sufficient width to provide two (2) tiers of lots of appropriate depth.
- (3) 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 the loading and unloading of delivery vehicles.
- (4) Irregularly shaped blocks indented by cul-de-sac or looped streets, and containing interior parks or playgrounds, will be acceptable when they are appropriately designed, including making provision for adequate parking and any maintenance of the public or joint-use areas.

F. Lots.

- (1) 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.
- (2) The dimensions and areas of all lots shall comply with the zoning district's requirements in which they are located.
- (3) Excessive lot depth in relation to lot width shall be avoided. A ratio of depth to width of two (2) to one (1) shall be considered a desirable maximum.
- (4) Corner lots shall desirably have extra width to permit appropriate building setback from both streets per Chapter 128, Zoning.
- (5) Every lot shall abut upon, and have access to, a public street.
- (6) Double frontage and reverse frontage lots shall be avoided, except where their use is essential to overcoming unique topographic problems or separating residential development from heavy street traffic.
- (7) Residential lots fronting or abutting on major arterial or major collector streets shall desirably have extra lot depths and deeper building setbacks, including a buffer strip of berms and plantings. See Chapter 128, Zoning, Article XVI.
- (8) 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.
- (9) 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 several such lots.

G. Easements.

- (1) 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 to extend trunk sewers or other primary utility lines.
- (2) Where a proposed subdivision is traversed by any stream, watercourse, or drainageway, the subdivider shall make adequate provision for the proper stormwater management of surface water, including the provision of easements along such streams, watercourses, and drainageways.
- (3) Utility easements in private rights-of-way or joint-use open space areas may be permitted at the discretion of the Planning Commission if the design considerations of the proposed subdivision warrant such easements. Other than on-site swales and other minor environment site design improvements, stormwater management facilities shall not be permitted in designated open space areas.
- (4) No building or structure, including propane gas farms, shall be constructed on any easement without the written authorization of the Mayor and Council.
- (5) Where a proposed greenway shown in the Comprehensive Plan of the Town or Caroline County crosses a proposed subdivision, a greenway public use easement of at least twenty-five (25) feet shall be provided.

H. Public sites and open spaces.

- (1) Where the proposed subdivision includes lands proposed for use as open space, recreation and parks, playgrounds, playfields, public landings, and/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.
- (2) 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 open space, 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 all property owners' common use in the proposed subdivision through deed restrictions.
- (3) Additional requirements for common open space and use areas and/or facilities are in Article XVII of Chapter 128, Zoning.

I. Drainage and storm sewers. The design of all drainage and stormwater facilities shall comply with Chapter 106, Denton Stormwater Management Ordinance, and the Denton Public Works Specifications and Details manual requirements.

**§ 73-7 Preliminary plat.**

A. General requirements. The preliminary plat of the proposed subdivision shall comply with the following general requirements concerning style and content:

- (1) It shall be prepared by a registered land surveyor, preferably at a scale of one (1) inch to fifty (50)

feet, but in any case, at a scale not smaller than one (1) inch to one hundred (100) feet.

- (2) 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 consider that proposed subdivision adequately, and such information shall be accurate and reliable.
- (3) It shall show the general plan for the ultimate development of the property, including so much of the surrounding areas 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.

B. Information to be shown. The preliminary plat shall be drawn clearly and legibly and shall contain the information required for preliminary plats shown in Appendix 1 at the end of this chapter.

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

- (1) 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, stormwater management facilities, and private utilities, including but not limited to electricity, telephone, cable, and propane or natural gas.
- (2) Statement concerning any proposed deed restrictions to be imposed by the subdivider (owner).

#### § 73-8 **Improvements.**

A. Required improvements by subdivider.

- (1) Except for the roadway wearing surface, the subdivider shall be required to provide and install all improvements in the subdivision as a condition for approval of the final plat by the Planning Commission. All such required improvements shall be constructed per the minimum requirements of these regulations and the construction standards and specifications adopted by the Town Council or other government agencies that may have jurisdiction over a particular improvement. However, nothing contained herein shall be construed as prohibiting the subdivider from installing improvements meeting higher standards than the minimum requirements.
- (2) Before filing the final as-built 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 before submission of the final plat, the subdivider may furnish Denton Public Works with a cash deposit, a secured line of credit, or a performance bond executed by a surety company and running to the Town.
  - (a) Such financial instrument shall be in an amount sufficient to cover the cost of the improvements required to be installed.
  - (b) Such financial instrument shall be in place before the time that such improvements are needed to serve buildings placed on abutting lots.
  - (c) 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, Denton Public Works shall make the final decision based upon at least two (2) additional cost estimates.

B. Inspections, warranties, and bonding.

(1) Inspection of improvements.

- (a) Before commencing construction, the developer shall notify the Town Engineer of the proposed construction schedule. The developer shall also conduct an on-site pre-construction meeting with representatives from the Caroline Soil Conservation Service (SCS), Maryland Department of the Environment (MDE), Denton Public Works, and Planning and Codes.
- (b) Pursuant to notification by the developer, the Town Engineer shall inspect required improvements during the initial construction phase and periodically thereafter, as may be required to ensure proper adherence to this chapter.
- (c) The Town Engineer shall submit reports to the Town specifying those items of construction, material, and workmanship which do not comply with the Town construction standards or the approved final plan.
- (d) The developer, upon notification from the Town, shall proceed at his own cost to make such corrections as shall be required to comply with the Town construction standards and approved final plans and shall notify the Town Engineer upon completion requesting a final inspection.
- (e) If such inspection reveals that the repair work is not in accordance with approved plans and the Town construction standards, the Planning and Codes at the request of the Town Engineer may suspend subdivision approval and issue a cease-and-desist order, which may include any or all the following sanctions:
  - [1] That no lot or subdivision shall be conveyed or placed under an agreement of sale.
  - [2] That all construction on any lots for which a building permit has been issued shall cease; and/or
  - [3] That no further building permits for any lots shall be issued.
- (f) Said cease and desist order shall be terminated upon a determination by the Town Engineer that said defects and deviations from plan requirements had been corrected.
- (g) No underground pipes, structures, subgrade, subbase, or base course shall be covered until inspected and approved by the Town Engineer.
- (h) The developer shall notify the designated representative of the Town at least forty (48) hours in advance of completion of any construction operations requiring an inspection.
- (i) The Town Engineer shall make a final inspection with the developer of all required improvements.

- (j) Within thirty (30) days after completion and Town approval of a subdivision or land development improvements as shown on final plans and before Town acceptance of such improvements, the developer shall submit to the Town as-built plans, showing actual dimensions and conditions of streets and all other improvements, certified by a professional engineer to be in accordance with actual construction.
  - (k) The Town Council shall notify the developer of acceptance of the required improvements if satisfied that the developer has complied with all specifications and ordinances of the Town.
- (2) Bonding.
- (a) The developer shall deposit with the Town financial security in an amount sufficient to cover the construction cost of all improvements required by the approved final plans.
  - (b) Financial security required herein shall be in the form of a federal or state-chartered lending institution's irrevocable letter of credit, a restrictive or escrow account in such institution or with a financially responsible bonding company or such other type of financial security which the Town may, in its reasonable discretion, approve. The bonding company may be chosen by the party posting the financial security, provided that said bonding company or lending institution is authorized to conduct business within the state and stipulates that it will submit to Maryland jurisdiction and Caroline County venue in the event of legal action.
  - (c) Said financial security shall provide for and secure to the public the completion of all improvements required by the approved final plans for which such security is being posted on or before the completion date fixed in the formal action of approval or development agreement.
  - (d) The final plan shall not be signed nor recorded until the financial improvements agreement is executed. The resolution of contingent approval shall expire and be deemed to be revoked if the financial security agreement is not executed within ninety (90) days unless the Town grants a written extension.
  - (e) The amount of financial security shall be equal to 125% of the cost of completing all improvements required by the approved final plans. The amount of the financial security shall be based on an estimate of the cost of completing the required improvements, prepared by a licensed professional engineer or a contractor's cost estimate, and submitted by the developer for review and approval by the Town Engineer.
- (3) Release from performance guaranty (initial construction).
- (a) Partial release of performance guaranty. As the work of installing the required improvements proceeds, the party posting the financial security may request the Planning and Codes Department and/or the Denton Public Works to release or authorize to be released, from time to time, such portions of the financial security necessary for payment to the developer performing the work. Any such requests shall be in writing, addressed to the Director of Planning and Codes or Director of Denton Public Works. The Town shall have forty-five (45) days from receipt of such request within which to allow the Town Engineer to certify, in writing, that such portion of the work upon the improvements has been completed in accordance with this chapter and the

approved plans. Upon such certification, the Town may authorize release by the bonding company or lending institution of an amount estimated by the Town Engineer fairly representing the value of the improvements completed. In certifying the completion of work for a partial release, the Town Engineer shall not be bound to the amount requested by the developer but shall certify to the Town his/her independent evaluation of the proper amount of partial releases. Before final release at the time of completion and certification by the Town Engineer, the Town may require retention of 10% of the estimated cost of the aforesaid improvements.

- (b) Incomplete improvements. If the required improvements are not completely installed within the period fixed or extended by the Town, Denton Public Works shall declare the financial security in default to collect the amount payable thereunder. Upon receipt of such amount, the Town shall install such improvements as were covered by the security and are commensurate with the extent of building development which has taken place in the subdivision or land development, not exceeding in cost; however, the amount collected upon the security.
  - (c) Release in full. When the developer has completed all the necessary and appropriate improvements, he shall notify Denton Public Works, in writing, by certified or registered mail, of the completion of the aforesaid improvements. The developer shall send a copy thereof to the Town Engineer to inspect all the aforesaid improvements. The Town Engineer shall, thereupon, file a report, in writing, with Denton Public Works and shall promptly mail a copy of the same to the developer by certified mail. The report shall be made and mailed within a reasonable period after receipt by the Town Engineer or the aforesaid authorization from Denton Public Works. Said report shall be detailed and shall indicate approval or rejection of said improvements, either in whole or in part. If said improvements, or any portion thereof, shall not be approved or shall be rejected by the Town Engineer, said report shall contain a statement of reasons for such non-approval or rejection.
  - (d) Notification. Denton Public Works shall notify the developer, in writing, by certified mail, of Denton Public Works' action concerning approval, non-approval, or rejection of improvements.
  - (e) Rejection of improvements. If any portion of said improvements shall not be approved or shall be rejected, the developer shall proceed to complete those improvements, and, upon completion, the same procedure of notification as outlined herein shall be followed.
  - (f) Maintenance of improvements. The developer shall be responsible for maintaining all subdivisions or land development improvements until such improvements are offered for dedication and are accepted by the Town. Also, 10% of the performance guaranty shall be held back by the Town until the developer has posted the maintenance guaranty and as-built plans are verified and accepted by the Town.
- (4) Maintenance guaranty (maintenance period). Where the Town accepts dedication of all or some of the required improvements following completion, the Town shall require the posting of financial security to secure the structural integrity of the improvements and the functioning of the improvements in accordance with the design and specifications as depicted on the approved final plan. The security shall be in the form as is authorized for the deposit of the performance guaranty and shall be for a term of five (5) years from the date of the acceptance of dedication and shall be in an amount equal to ten percent (10%) of the actual costs of installation of the improvements so

dedicated.

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

(1) Roads and streets.

(a) All new roads and streets shall be constructed per the minimum requirements of these regulations and the minimum construction standards as indicated in the Public Works Details and Specifications Manual, as amended by the Director of Public Works. Existing roads and streets that do not meet these specifications regarding width or type of construction shall be widened and brought into conformity on that portion of the road or street within or adjoining the subdivision.

(b) The roadbed and roadway wearing surface shall be constructed per applicable Town standards (see Public Works Details and Specifications Manual). 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 drainageways outside the shoulders shall be provided. Street name signs of an approved design shall be erected at each new street or road intersection. All stormwater facilities shall be maintained by the property owner and/or the applicable homeowners' association. Provisions for maintenance and assessment of maintenance costs shall be provided in a form acceptable to the Town.

(2) Stormwater facilities. The subdivision shall be provided with such storm drains, culverts, drainageways, or other works necessary to collect and dispose of surface and stormwater originating on or flowing across the subdivision to prevent inundation and damage to streets, lots, and buildings. All stormwater facilities must conform to the requirements of Chapter **106**, Stormwater Management, whose goal is to manage stormwater by using environmental site design to the maximum extent practicable.

(3) Water supply facilities. Every subdivision shall require a public water supply under the regulations of the State Department of Health. When a public source of water supply is not available, private on-site water supply sources, approved by the Health Officer, shall be provided. All major subdivisions shall require a public source of water supply, availability, and allocation.

(4) Sanitary sewerage facilities. Every subdivision shall require a public sewer system under the regulations of the State Department of Health. When a public sewer system is not available, private on-site septic systems, approved by the Health Officer, shall be provided. All major subdivisions shall require a public sewer system, availability, and allocation.

(5) Plantings. The Planning Commission shall require street trees and other landscaping on all new streets and parking lots per Article XVI requirements of Chapter 128, Zoning. The proposed location and the plant material species to be used shall be subject to the Planning Commission's approval. Trees are to be placed behind the sidewalk and not located between the sidewalk and road.

(a) All residential lots shall be planted with at least one one-and-one-half-inch diameter yard tree, in addition to buffers, forestation, or critical area requirements. Yard tree species and quantities

shall meet Town arborist specifications. A tree warranty is required for one (1) year after acceptance by the Town.

- (b) Additional landscaping, shading, and bufferyard requirements are contained in Article XVI of Chapter 128, Zoning.
- (6) Sidewalks, pedestrian paths, and cycleways. The minimum width of sidewalks shall be five (5) feet along all streets. Where the Planning Commission determines projected pedestrian traffic volumes warrant, a wider sidewalk may be required. The construction specifications for sidewalks shall comply with the Public Works Details and Specifications Manual, as amended by the Director of Public Works.
- (a) Sidewalks may be required on all streets; sidewalks may be placed on at least one side of any road and may be required on both sides of the street at the Planning Commission's discretion.
  - (b) Where a development fronts on an existing state road, county road, or Town street, and where a sidewalk terminates at the property line of the proposed development, the sidewalk shall be extended along the entire road frontage of the proposed development.
  - (c) Pedestrian and cycle paths shall be provided per the Denton Comprehensive Plan's transportation element. Pedestrian-only paths shall be at least five (5) feet wide. Shared cycle and pedestrian paths shall be at least seven (7) feet wide.
  - (d) All sidewalks and pedestrian paths shall be American Disability Act (ADA) compliant.
- (7) Streetlighting. Purchase and installation of the required lighting shall be the subdivider's responsibility following the Public Works Details and Specifications Manual, adopted by the Town Council, and as amended by the Director of Public Works.
- (8) Driveways shall be designed in conformance with the following requirements:
- (a) The minimum width of driveways that take access from a town street shall be twenty (20) feet. Driveways with access from an alley may be ten (10) feet. Within the Town right-of-way limits, the maximum driveway width shall be twenty (20) feet. The driveway's total width within the Town's limits right-of-way on a single lot shall not exceed twenty (20) feet. Driveways shall not be placed within five (5) feet of a property line.
  - (b) Driveways on corner lots shall be located at least forty (40) feet from the point of intersection of the nearest street right-of-way lines.
  - (c) To provide a safe and convenient means of access, grades on private driveways should not exceed 8% unless specifically authorized by the Town, and in no case shall the grade exceed 5% for the first thirty (30) feet of the driveway as measured from the road cartway. The minimum slope shall not be less than 1.0%.
  - (d) Sight distance from a point on the driveway ten (10) feet from the edge of the public road cartway upon which the driveway opens shall not be less than one hundred fifty (150) feet in either

direction with respect to the view of oncoming traffic.

- (e) All driveways shall be located, designed, and constructed in such a manner as not to interfere or be inconsistent with the design, maintenance, and drainage of the street.
- (9) Site grading. An overall site grading plan with detailed requirements as to the minimum and maximum slopes, grading around structures, ditch/swale grading, retaining walls, etc., shall be provided by the developer. The site grading plan shall conform to the requirements of Chapter 49, Erosion and Sediment Control.
- (10) Community facilities. All residential plans submitted to the Planning Commission, preliminary or final, will be referred to the Caroline County Board of Education for an advisory report and recommendation. The Board 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.
- (11) Public utilities. The subdivider shall place or cause to be placed underground extensions of electric and telephone distribution lines necessary to furnish permanent residential electric and telephone service to new detached, semidetached, group, or townhouse single-family residences within a new residential subdivision, or new apartment buildings, following the rules and regulations of the Public Service Commission of Maryland, effective July 1, 1968, and subject to the further order of that Commission.
- (12) Off-street parking.
  - (a) Applicability. Every subdivision plan submitted to the Planning Commission for approval shall provide off-street parking space and facilities per the requirements of Chapter 128, Zoning.
  - (b) Design.
    - [1] 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.
    - [2] Every parking facility shall have a safe and efficient means of vehicular access to a recorded street.
    - [3] No driveway serving a parking facility shall be closer than seven and one-half (7½) feet to a side property line.
    - [4] No parking space shall be located to permit parking in any yard or court closer than five (5) feet to any door, window, or other openings of a dwelling, institution, or other property.
    - [5] In the design of off-street facilities for multiple dwellings, the public right-of-way shall not be obstructed by using 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 accessways.

- [6] 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 or a backing maneuver into or from the public right-of-way.
- [7] Neither the turnaround diameter nor a cul-de-sac or rotary shall be used for the parking of vehicles.
- [8] In a multifamily residential subdivision, no parking area shall exceed one hundred and eight (108) feet in length. No portion of a motor vehicle shall be closer than twenty (20) feet from the right-of-way line of a public street.
- [9] All lighting and fixtures shall comply with the requirements of Chapter 128, Article XXII, and the standards outlined in the Public Works Details and Specifications Manual, adopted by the Town Council, and as amended by the Director of Public Works.
- [10] At its discretion, the Planning Commission may require off-street parking facilities to be screened by a wall, berm, fence, or compact planting when adjoining the side or rear lot line. Screening, at the time of planting, shall be at least three and one half (3½) feet high. Screening shall not be so placed or maintained as to constitute a traffic hazard by obstruction of visibility.
- [11] Drive aisles within parking lots shall conform to the following dimensions to the requirements of Chapter 128, Article XII:
- [12] Entrance from public or private streets shall conform to the following dimensions:
  - [a] One-way traffic entrances shall be not less than seventeen (17) feet in width.
  - [b] 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.
  - [c] Monumental entrances shall be provided with a six-foot-wide median, and the traffic lanes shall not be less than seventeen (17) feet in width.
  - [d] All entrances shall be not less than seven and one half (7 ½) feet from a side lot line.
- [13] Additional off-street parking requirements and standards are contained in Article XII of Chapter 128, Zoning.
- (13) Refuse collection. If refuse is to be collected at points exterior to a residential subdivision structure, such points shall be shielded from view on three sides by screening and landscaping and placed on a pad of concrete, where necessary, in a location approved by the Town. A clear and acceptable pathway to the receptacle for refuse pickup shall be provided. The design and location of all refuse

collection areas and facilities shall comply with Denton Town Code, Chapter 64, Garbage and Trash.

- (a) 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.
- (b) In a multifamily, commercial, or industrial subdivision, refuse storage and collection points shall be housed in containers and shielded from view by screening made of brick, masonry, or wood, and completely enclosed and landscaped.

(14) Street signs.

- (a) Street and alley names. The Town Council may, by resolution, adopt procedures or criteria for naming streets and alleys in the Town or designate other agencies to review the street and alley names per the County road naming guidelines.
- (b) Improvements required. The subdivider shall pay for Denton Public Works to install a street sign or street signs and snow emergency route signs at every intersection, having thereon the intersection streets' names. There shall be at least two (2) such street signs at intersections where streets cross, and at the intersections where one (1) street ends or joins with another street, there shall be at least one such street sign.
- (c) Construction standards. Street signs and snow emergency route signs shall conform to the requirements of the Public Works Details and Specifications Manual.

(15) Handicapped accessibility. Whenever curb, gutter, and sidewalk construction are used on public roads, wheelchair ramps for the disabled shall be provided at all intersections and other major points of pedestrian flow. Wheelchair ramps and depressed curbs shall be constructed following published standards.

(16) Reference monuments.

- (a) Permanent reference monuments, of stone or concrete and at least thirty (30) inches in length and four (4) inches square with suitable center points, 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.
- (b) Each subdivision parcel shall have a reference monument of stone or concrete and at least thirty (30) inches in length and four (4) inches square with a suitable center point that shall be set flush with the finished grade at each parcel corner.
- (c) Open space shall have a reference monument of stone or concrete and at least thirty (30) inches in length and four (4) inches square with a suitable center point that shall be set flush with the finished grade at each parcel corner.
- (d) Conservation easements shall have a reference monument of stone or concrete and at least thirty (30) inches in length and four (4) inches square with a suitable center point that shall be set flush with the finished grade at each easement corner.

- (e) Monuments of metal pipe, 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 lot corners.
- (f) All monuments shall be specified with NAD83 latitude and longitude coordinate points. Coordinates shall be documented on detailed engineering drawings of the monument as it was placed.
- (g) Bonds or other financial surety shall not be released until all monuments are set and inspected by the Town.

D. Improvement plans. Plans, profiles, and specifications for the required improvements shall be prepared by the subdivider and submitted for approval by the appropriate public authorities before construction. Plans and profiles shall be drawn to a horizontal scale of one (1) inch to fifty (50) feet or less and a vertical scale of one (1) inch to ten (10) 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:

- (1) Plans and profiles of each street, showing proposed grades and street intersection elevations.
- (2) 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 centerline if required by the Engineer. Such cross-sections shall extend laterally to the point where the proposed grade intersects the existing grade, except that in no case shall less than the full width of the street right-of-way be shown.
- (3) Plans and profiles of proposed sanitary sewers and storm drains, with proposed grades and pipe sizes indicated.
- (4) Plans of the proposed water distribution system, showing pipe sizes and all valves and fire hydrants' locations.
- (5) A site plan and details of proposed street trees and other landscaping improvements.
- (6) Plans of proposed curbs and gutters, and sidewalks, including ADA features.
- (7) Plans and profiles of proposed stormwater management facilities.
- (8) Traffic plans.
- (9) Lighting plans.
- (10) Construction details.
- (11) Written specifications for all proposed improvements.
- (12) Calculations as required by Chapter 106, Denton Stormwater Management Ordinance.

E. Inspection and acceptance.

- (1) 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 improvement as it was actually constructed.
- (2) The final as-constructed plat of the subdivision shall not be approved by the Engineer until all required improvements shall have been satisfactorily completed and approved as complying 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 complying herewith, provided, however, that a partial release may be approved for such improvements as may have been completed and approved by appropriate officials.
- (3) This improvement guaranty shall be conditioned upon:
  - (a) The developer constructing and installing, or causing to be constructed or installed, in strict accordance with the standards, regulations, and specifications of the Town, as finally approved, the required improvements;
  - (b) The developer maintaining at his own cost said improvements, until the Town accepts the same for community use; and
  - (c) The faithful performance by the developer of the public works and stormwater management agreements.
- (4) Approval of the final plat by the Engineer shall not be deemed to constitute or effect an acceptance by the Town of the dedication of any street or other proposed public way or public grounds shown on said plat. The Town 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 50% of the frontage of the street in question, requesting that the street be taken over and made public, is filed with the Town, and it is established by Town Council that there is a need for the street to be taken over and made public.
- (5) The Town shall have no responsibility for any street within a subdivision, notwithstanding the use of such street by the public, unless the street is accepted by resolution of the Town. The street shall be transferred to the Town through a recorded Deed of Dedication approved by the Town Council.
- (6) Acceptance of rights-of-way shall be by deed conveyance in a form acceptable to the Town.

F. Sediment control.

- (1) Nothing in this chapter shall be deemed as relieving any person or corporation of Chapter 49, Erosion and Sediment Control.
- (2) All subdivision applications must incorporate an approved sediment control plan before final approval of the plat.

§ 73-9 **Final plat.**

A. General requirements. The final plat of the subdivision shall comply with the following general requirements concerning style and content:

- (1) It shall comply with the applicable provisions of the State of Maryland laws relative to the making of plats. The final plat shall be provided digitally in GIS (shapefile or geodatabase), CAD (DWG), and PDF formats.
- (2) It shall be prepared by a registered land surveyor, preferably at a scale of one (1) inch to fifty (50) feet, but in any case, at a scale not less than one (1) inch to ten (10) feet, and it shall be drawn on sheets not less than eleven (11) inches by seventeen (17) inches and not more than twenty-four (24) inches by thirty (36) inches in size, including a margin of 1/2 inch outside ruled border lines.
- (3) 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.
- (4) Another final plat of the subdivision including only lot boundaries, roads and rights-of-way lines, easement areas, and public utilities line work shall be provided digitally (in shapefile or geodatabase format) or in DXF format compatible with a geographic information system (GIS) and utilizing NAD83 coordinate system. Points of beginning coordinates shall tie to official state coordinates to enable alignment with existing Town GIS data.

B. Information to be shown. The final plat shall be legibly and accurately drawn. It shall include the information required for final plats shown in Appendix 1 at the end of this chapter, as well as the following information.

- (1) The Planning Commission shall make a final determination on the plat's completeness and accuracy per this section's provisions before recording the plat. See Appendix 1 for a complete list of requirements for the final plat. All information requirements outlined in Appendix 1 shall be provided unless the applicant requests and Planning and Codes waive such requirement.
- (2) The final subdivision plat shall be submitted to the Planning Commission, drawn in a manner acceptable to the Circuit Court's Clerk. When more than one (1) sheet is required to include the entire subdivision, all sheets shall be made of the same size and shall show appropriate match lines on each sheet and appropriate references to other sheets of the subdivision. A location map indexing each of the sheets shall be submitted to the Planning and Codes Department and kept on file. The plat's scale

shall be at one (1) inch equals not more than one hundred (100) feet. The applicant shall also submit twelve (12) prints of the plat and a digital final plat of the subdivision, including only lot boundaries, roads, and rights-of-way lines, easement areas, and public utilities line work in DXF format compatible with a geographic information system (GIS) and utilizing NAD83 coordinate system. Points of beginning coordinates shall tie to official state coordinates to enable alignment with existing Town GIS data.

- (3) The accurately positioned North arrow shall be placed on the plat.
- (4) All plat lines shall be by horizontal (level) measurements. Enlargement of portions of a plat is acceptable in the interest of clarity, where inserts are shown on the same sheet.
- (5) Where a curved line forms a boundary, actual survey data from the point of curvature to the point of tangency shall be shown as standard curve data or as a traverse of bearings and distances around the curve. If standard curve data is used, the bearing and distance of the long chord (from the point of curvature to the point of tangency) must be shown on the face of the plat.
- (6) Where a subdivision of real property is set out on the plat, all streets, easements, and lots shall be carefully plotted with dimension lines indicating widths and all other information pertinent to reestablishing all lines in the field, including bearings and distances sufficient to form a continuous closure of the entire perimeter.
- (7) Permanent reference monuments, shown on the plat, shall be placed. Such permanent reference monuments shall be stone or concrete at least thirty (30) inches in length and four (4) inches square with suitable center points and shall be set flush with the ground and finish grade. Concrete monuments shall be placed on road rights-of-way where street direction changes; at all intersections of streets; at all intersections of streets and alleys with subdivision boundary lines; at all points on boundary lines where there is a change in direction or curvature. The Town shall approve all locations. All monuments shall be in place when finish grading is completed. Monuments shall be placed at all block corners and angle points required by the Town Engineer, who shall also approve the material, size, and length of such monuments. A Maryland registered land surveyor shall set monuments, and their geographic position system (GPS) coordinates marked on the plat. It shall be the developer's responsibility to have these monuments placed before the acceptance of the streets by the Town of Denton and shall be guaranteed in the public works agreement. The developer shall be responsible and pay all costs necessary to replace any Town grid monuments or control points disturbed by his development activities. Replacements shall be done by a Maryland registered surveyor to place such monuments accurately. Such payment to restore any monuments is to be secured by a public works agreement.
- (8) If the Planning Commission disapproves the final plat, the applicant shall be furnished with a written statement of the reasons for the disapproval.
- (9) Approval of a final plat is contingent upon the plat being recorded within six (6) months after the Planning Commission or its designee signs the approval certificate. The subdivider will furnish copies of the recorded plat to all applicable county and state agencies, as directed by the Town. If the final plat is not recorded within six months, the Planning Commission's approvals will become null and void.

- (10) Street and development names shall not be the same nor closely approximate, phonetically or in spelling, to the name of any other street in Denton or the Denton Fire Company's jurisdiction and shall meet Caroline County Emergency Services' 911 addressing protocol.
- (11) For subdivisions in the Critical Area, accurate outlines (metes and bounds, where required) of the following:
- (a) 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 forest areas, reforested areas, and afforested areas.
  - (b) Any areas to be maintained for resource protection use (e.g., agriculture, natural parks, forest, etc.).
  - (c) Any areas to be maintained as permanent wildlife and plant habitat protection areas.
- (12) In addition to the information above, the preliminary plan shall be accompanied by the following when the subdivision or development is proposed in the Critical Area, as required:
- (a) A planting plan reviewed by and addressing the comments of the Maryland Forest Service.
  - (b) A habitat protection plan, including the comments of the Maryland Fish, Heritage and Wildlife Administration, the Water Resources Administration, and other agencies, as appropriate.
  - (c) Stormwater management plan.
  - (d) Sediment and erosion control plan.
  - (e) Shore erosion protection plan, if applicable.
  - (f) Natural park management plan, if applicable.
  - (g) An environmental impact assessment that provides a coherent statement of how the proposed development addresses the Denton Chesapeake Bay Critical Area Program's goals and objectives. At a minimum, the environmental impact assessment shall include:
    - [1] A statement of existing conditions (amount and type of forest cover, wetlands, existing agricultural activities, soil types, topography, etc.);
    - [2] Description of the proposed development project, including number and type of residential and commercial units, amount of lot coverage, proposed sewer treatment, and water supply, acreage devoted to development, proposed open space, and habitat protection areas;
    - [3] A description of the proposed development's impacts on water quality and habitat protection areas; and
    - [4] Documentation of all correspondence and findings.

- (h) Total area of the subdivision to be recorded and, where density restrictions apply, the acreage dedicated to development.
  - (i) Total area of subdivision or parcels to be recorded in the Critical Area.
  - (j) Total number of lots in the Critical Area.
  - (k) Residential density in the Critical Area.
- C. Certificates and supporting statements. Accompanying the final plat and made a part thereof shall be the following certificates and statements:
- (1) 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 lienholder.
  - (2) 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 not less than five (5) years from the date of filing the final plat with the Planning Commission.
  - (3) 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.
  - (4) A 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, stormwater management facility, park area, or other physical facilities which is of common use or benefit but which is not to be held in public ownership.
  - (5) Certificate of approval by the Health Officer of the means of providing water supply and sewage disposal services for the subdivision.
  - (6) Certificate of approval by the Town engineers that all specifications established by the developer are per Town specifications and desires.
  - (7) Certificate of approval by the Sediment Control Officer that the proposed subdivision is in conformance with Chapter 49, Erosion and Sediment Control.
  - (8) Certificate of approval by the Planning Commission, ready for signature and in a form acceptable to the Planning Commission.
  - (9) Certificate of approval by the Critical Area Commission for any required growth allocation.
  - (10) Certificate of approval by the Director of Planning and Codes and Public Works.

**§ 73-10 Adequate public facilities.**

A. General.

- (1) Unless expressly indicated otherwise, this section's provisions shall apply only to major subdivisions and multifamily development projects.
- (2) The Planning Commission shall review all subdivisions and site plans to determine whether existing or planned public facilities are adequate to serve the subdivision's needs. If the Planning Commission determines that adequate public facilities do not exist or are unavailable due to constraints of the Town's water and/or sewer facilities, it may deny site plan and/or plat approval.
- (3) Public facilities that may be considered under this section include, but shall not be limited to, sewer, water, roads, drainage, schools, fire protection, and solid waste collection and disposal.

B. Sewer.

- (1) The proposed development shall be served by an adequate public sewerage system.
- (2) A public sewerage system shall be considered adequate if, taking into account demands generated or projected to be generated by existing connections, buildings under construction that will be connected to the system, buildings unconnected but required by law to connect to the system, buildable approved lots for which building permits have not been issued in active developments served by the system, other buildable approved lots adjusted for the degree of inactivity, application of any water and/or sewer rules and regulations, and other proposed developments to be served by the system for which sewer allocation has been approved:
  - (a) Lateral systems to serve the proposed development are designed to accommodate expected ultimate peak flows from the development;
  - (b) Interceptors to serve the proposed development have sufficient available capacity to accommodate ultimate peak gravity flows from the development with adjustment for pump flows, where applicable;
  - (c) Pumping stations and force mains in the service area have sufficient available capacity to accommodate expected ultimate peak flows from the proposed development; and
  - (d) Treatment plants in the service area have sufficient available capacity to accommodate expected peak flows from the proposed development for the hydrologic system and average daily flows from the proposed development for the treatment process.
- (3) The calculations required by Subsection B(2) of this section shall be based upon criteria specified in the Comprehensive Water and Sewerage Plan and the Water Resources Element of the Comprehensive Plan.
- (4) A public sewage system shall also be considered adequate if the Town has awarded, or the developer has posted bond satisfactory to the Town, a contract for the construction or improvement of the facilities necessary to comply with the requirements of Subsection B(2) of this section and the facilities will be available for use before the issuance of the first building permit for development.

C. Water.

- (1) The proposed development shall be served by an adequate public water supply system.
- (2) A public water supply system shall be considered adequate if, taking into account demands generated or projected to be generated by existing connections, buildings under construction that will be connected to the system, buildings unconnected but required by law to connect to the system, buildable approved lots for which building permits have not been issued in active developments served by the system, other buildable approved lots (adjusted for the degree of inactivity), and other proposed developments to be served by the system for which final plats have been approved:
  - (a) Source facilities in the service area have sufficient available capacity to provide maximum day demand to the proposed development;
  - (b) Storage tanks in the service area have sufficient available capacity to provide peak hour demand in addition to fire flow to the proposed development;
  - (c) Local pumping stations to provide water to the proposed developments have sufficient available capacity to provide maximum day demand where storage facilities are available on the discharge side or have sufficient capacity to provide for fire flow where storage facilities are not available on the discharge side; and
  - (d) The distribution system can provide normal required pressure and minimum residual pressure to the proposed development under fire flow for the type of development planned.
- (3) A public water supply system shall also be considered adequate if the Town has awarded a contract for the construction or improvement of the facilities necessary to comply with the requirements of Subsection C(2) of this section, and the facilities will be available for use before the issuance of the first building permit for development.
- (4) The calculations required by Subsection C(2) of this section shall be made based on criteria specified in the Comprehensive Water and Sewerage Plan and the Water Resources Element of the Comprehensive Plan.

#### D. Roads.

- (1) All development shall have access from a public road adequate to meet existing and projected traffic loads. Off-site road access shall not be hazardous or unsafe by virtue of inadequate site distances, width, vertical alignment, horizontal alignment, drainage, surfacing, grades, or cross-sections.
- (2) Where access is from an inadequate public road, no final plat or site plan shall be approved unless and until one of the following is met:
  - (a) The road is improved by the Town, county, or state or programmed for improvement during the next year's construction program; or
  - (b) The developer has elected to place funds in an escrow account to improve the road. The amount of the developer's contribution shall be determined by the Town, with consideration to the Engineer's estimate of the construction cost, the existing average daily traffic count on the road,

the estimated traffic volume to be generated by the development upon build-out, and the location of the development with respect to other segments of the Town roads system.

- (c) The developer may be required to prepare a traffic impact study to satisfy this section's requirements.

E. Stormwater management.

- (1) All developments shall have appropriate stormwater management facilities to effectively and efficiently address stormwater requirements as required by Chapter 106, Stormwater Management, and provide drainage for roads and all lots.
- (2) The Town Engineer shall advise the Planning Commission on the proposed stormwater management facilities' adequacy.

F. Schools.

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

G. Fire protection.

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

H. Solid waste.

- (1) Solid waste collection facilities serving the area in which the development is located shall be adequate to handle the additional waste generated by the development residents. Refer to Chapter 64.
- (2) If solid waste collection facilities are determined to be inadequate, the Planning Commission may require the developer to provide the necessary facilities.

§ 73-11 **Variances.**

- A. Variances. 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 that are not self-inflicted, or that these conditions would result in inhibiting the achievement of the objectives of these regulations, and except where expressly allowed, the Board of Appeals as established in § 128-163 of the Denton Zoning Ordinance may grant a variance from the requirements so that substantial justice may be done and the public interest secured; provided; however, that such variance 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 variance be more than a minimum easing of the requirements. In no instance shall it result in any conflict with the proposals of the adopted Comprehensive Plan for the Town or the applicable zoning regulations.

- B. Approval of modifications and exceptions. In granting a variance, the Board may require such conditions as will, in its judgment, substantially secure the objectives of the requirements so varied, modified, or waived.
- C. Procedure. Applications for variances, modifications, or waivers shall be processed as provided for variances in § 128-163 of the Denton Zoning Ordinance.

**§ 73-12 Revised subdivision plat.**

- A. Request for revisions. A revised plat may involve one or more revisions of any existing subdivision of land or recorded subdivision plat recorded whereby no additional lots are created. A revision request shall be determined by the Director of Planning to be either major or minor. In no case shall a revised plat result in creating a nonconforming situation or worsening an existing nonconforming situation.
- B. Examples of revisions.
  - (1) Major revisions. Examples of major revisions may include but are not limited to, relocation or elimination of any public or private road; relocation or adjustment of acreage for any commonly owned open space areas or any reserved lands; or revisions of lot lines that significantly affect the overall layout of the subdivision.
  - (2) Minor revisions. Examples of minor revisions may include but are not limited to the correction of the minor plat or surveying errors, minor changes to plat notations, or changes to lot lines that do not significantly affect the subdivision's overall layout.
- C. Procedure for major revisions. In the case of a major revision, the application, review, and approval process for minor or major subdivision approval shall be followed as determined by the Director of Planning. The Director of Planning shall also determine the specifications for application documents to be submitted. At a minimum, the revised plat shall clearly show all property lines to be abandoned and any other requested revisions or changes to the existing approved plat. An application fee shall also be required as determined by a fee schedule adopted by the Town Council.
- D. Procedure for minor revisions. In the case of a minor revision, the following application, review, and approval process shall be followed:
  - (1) The application shall be made on the Planning Commission review application form available at the Planning and Codes Office.
  - (2) The application shall be accompanied by an adequate number of paper copies, as determined by the Director of Planning, of the revised plat that clearly shows all property lines to be abandoned, all new property lines, and any other revisions or changes from the existing situation or existing approved subdivision plat.
  - (3) The application shall be accompanied by all other information, plans, and drawings as determined by

the Director of Planning.

(4) Upon submission of a completed application, the Director of Planning shall review the application and may refer the application to other county, state, and federal agencies, as applicable for review, comment, and approval. If the minor revision will impact an existing or approved water or sewer allocation (or private well or septic system) or change the size of an existing lot, the County Health Department shall review the plat. If the minor revision will impact an existing or approved road or street, the Town Engineer shall review the plat. In most other cases, only the Director of Planning is required to review the plat.

(5) The revised plat shall be recorded in the land records of the office of the Clerk of the Circuit Court pursuant to § 73-4A.

E. An appeal of the Planning Director's decision concerning any minor revision may be made to the Denton Board of Appeals per the procedures of § 73-14.

#### § 73-13 **Changes and amendments.**

A. The Town Council may, from time to time, amend, supplement, or change, by ordinance, the regulations herein established. Any such amendment or change may be initiated by the Town Council or by the Planning Commission. Before acting on any proposed amendment or change, the Town Council 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 after the proposal being referred shall be deemed approved by the Planning Commission.

B. Before approving any proposed amendment or change, the Town Council shall hold a public hearing thereon.

#### § 73-14 **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 penalty of not more than \$1,000 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 the remedies herein provided. The Town Council may enjoin such transfer or sale or agreement by action for injunction brought in any court of equity jurisdiction or recover 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 continuing, each day during which such an act or omission continues shall be deemed a separate misdemeanor.

#### § 73-15 **Appeals.**

Any person aggrieved or any officer, department, board, or bureau of the Town affected by any decision of the Planning Commission, Director of Planning, or Town Engineer, may, within thirty (30) days after the decision appealed from, appeal such decision to the Denton Board of Appeals under the terms and provisions outlined

in Chapter 128, Zoning, of the Denton Town Code.

Attachments:

073a Appendix 1

**LAND SUBDIVISION (Version 1/27/2021)**

**Appendix 1  
Basic Information Required with Subdivision Plats and Plans**

*Note: All plats and plans must be clear and legible. Incomplete plats will be returned to the applicant for completion and re-submission.*

*Final Plats will include a GIS submittal in NAD\_1983\_StatePlane\_Maryland\_FIPS\_1900, Datum: D\_North\_American\_1983 with metadata.*

Item	Description	Development Stage				Checklist Provided/NA*
		Concept Plan	Minor Sub. Plat	Subdivision Plats		
				Prelim.	Final	
<b>I</b>	<b>Project - Plat Information</b>					
1	Name, address of owner, applicant, developer and lienholder, date of application.	X	X	X	X	
2	Name and address of engineer, land surveyor architect, planner, and/or landscape architect, as applicable, involved in document preparation.	X	X	X	X	
3	Date of survey.		X	X	X	
4	Seal, signature and license number of engineer, land surveyor, architect, and/or landscape architect, as applicable involved in document preparation. Each sheet must have a surveyor's seal.		X	X	X	
5	Title block denoting name and type of application, Tax Map sheet, block and lots, parcel, and street location.	X	X	X	X	
6	A vicinity map at a specified scale (no smaller than 1 = 200') showing location of the tract with reference to surrounding properties, streets, landmarks, streams, etc. Show all of the property owned according to the Tax Map(s) if only part of the property is to be developed.	X	X	X	X	
7	Existing and proposed zoning of tract and adjacent property.	X	X	X	X	
8	Adjacent property owners, names, Liber and Folio.	X	X	X	X	
9	Title, North arrow and scale (1 = 100'). "	X	X	X	X	
10	Appropriate signature block for Planning Commission Chairman, Town Engineer, Director of Planning & Codes, Director of Public Works, and the Health Department.		X	X	X	
11	Appropriate certification blocks.		X	X	X	

Item	Description	Development Stage				Checklist Provided/ NA*
		Concept Plan	Minor Sub. Plat	Subdivision Plats		
				Prelim.	Final	
<b>I</b>	<b>Project - Plat Information</b>					
12	Certification and dedication by the owner or owners to the effect that the subdivision as shown on the final plat is made with his or her consent and that it is desired to record same.				X	
13	Monumentation, location and description.		X		X	
14	Standardized sheets 24" x 36" (final: black ink).	X	X	X	X	
15	Metes and bounds survey showing dimensions, bearings, curve, data, length of tangents, radii, arc, chords, and central angles for all center lines and rights-of-way, and center line curves on streets, datum and benchmark, primary central points approved by the Town Engineer. (Boundary of proposed subdivision can be a deed plot.)		X	X	X	
16	Acreage of tract to the nearest thousandth of an acre.	X (general)	X	X	X	
17	Date of original and all revisions.	X	X	X	X	
18	Size and location of any existing or proposed structures with all setbacks dimensioned (for concept plan general location but not setbacks). Include storm drains, culverts, retaining walls, fences, stormwater management facilities, sediment and erosion structures.	X	X	X	X	
19	Number of dwelling units.	X	X	X	X	
20	Location, dimensions, bearings, names of any existing or proposed roads or streets. The location of pedestrian ways, driveways. Right-of-way widths (for concept plans, general locations).	X	X	X	X	
21	All proposed lot lines (width and depth) and area of lots in square feet, number of lots, lot numbers.	X (general)	X	X	X	
22	Location and type of utilities.		X	X	X	
23	Copy and/or delineation of any existing or proposed deed restrictions or covenants.	X (existing)	X	X	X	
24	References to protective covenants governing the maintenance of undedicated public spaces or reservations.				X	
25	Location and size of proposed natural park areas, play grounds and other public areas.	X	X	X	X	

Item	Description	Development Stage				Checklist Provided/ NA*
		Concept Plan	Minor Sub. Plat	Subdivision Plats		
				Prelim.	Final	
<b>I</b>	<b>Project - Plat Information</b>					
26	Any existing or proposed easement (drainage and utility) or land reserved for or dedicated to public use. Location, dimensions of proposed reservations, rights-of-way, open space, buffers, forested areas along with means by which these areas will be permanently maintained.	X (general)	X	X	X	
27	Statement of owner dedicating streets, right-of-way, and any sites for public use.				X	
28	Development stages or phasing plans (for concept plans, general phasing). Sections numbered by phase.	X (general)		X	X	
29	Total number of off-street parking spaces including ratio and number of units per space.			X	X	
30	List of required regulatory approvals/permits.	X	X	X	X	
31	List of variances required or requested.	X	X	X	X	
32	Requested or obtained design waivers or exceptions.	X	X	X	X	
33	Payment of application fees.	X	X	X	X	
34	Payment of property taxes and corporation taxes.		X	X	X	
<b>II</b>	<b>Setting -Environmental Information</b>					
35	Total area of the site that will be temporarily and/or permanently disturbed.		X	X	X	
36	All existing streets, watercourses, floodplains wetlands, or other environmentally sensitive areas on or adjacent to the site.	X (general)	X	X	X	
37	Existing rights-of-way and/or easements on or immediately adjacent to the tract.	X	X	X	X	
38	Topographical features of subject property from USGS map or more accurate source at two-foot to five-foot intervals, 50 feet beyond the boundary, with source stated on maps.	X	X			
39	Field delineated or survey topo.			X	X	
40	General areas of greater than 15% slope shaded and identified as steep slopes.	X	X	X	X	
41	Slope analysis of greater than 15% slopes. These areas shall be shaded and identified as steep slopes.		X	X	X	
42	Forest stand delineation.		X	X	X	

Item	Description	Development Stage				Checklist Provided/ NA*
		Concept Plan	Minor Sub. Plat	Subdivision Plats		
				Prelim.	Final	
<b>I</b>	<b>Project - Plat Information</b>					
43	Existing system of drainage of subject site and adjacent sites and of any larger tract or basin of which it is a part.	X	X	X	X	
44	A one-hundred-year floodplain based on FEMA maps.	X	X	X	X	
45	Tidal and nontidal wetland delineation based on NWI maps and field review.	X	X	X	X	
46	Nontidal wetlands identification based on field delineation/determination.		X	X	X	
47	Location of sensitive areas and their Buffers.	X	X	X	X	
48	Location and width of Bufferyards.	X	X	X	X	
49	Soil types based on county soil survey.	X	X	X	X	
50	Traffic impact study, as required.	X		X	X	
51	Statement of effect on schools district and school bus service, as required.	X	X	X	X	
52	Location of the Critical Area District boundary and Critical Area designation.	X	X	X	X	
53	Number of acres in the Critical Area.	X	X	X	X	
54	Mean high-water line and landward edge of tidal wetlands.	X	X	X	X	
55	Location of existing forested areas to be disturbed by construction. Planting plan approved by the Maryland Forest Service.	X	X	X	X	
56	The known locations of HPA's, the habitat of any threatened or endangered species, and the habitat of any species in need of conservation. Habitat protection plan reviewed by the MD DNR.	X	X	X	X	
57	The location of the Critical Area Buffer and the expanded Buffer, as required.	X	X	X	X	
58	Hydric and highly erodible soils based on the county soil survey.	X	X	X	X	
59	Natural park management plan, if applicable.				X	
60	Shore erosion protection plan, if applicable.				X	
61	Environmental assessment.	X	X	X	X	
62	Statement of consistency with the Critical Area Program.	X	X	X	X	
<b>III</b>	<b>Plats, Improvement Plans, and Construction Information</b>					
63	Information required in § 73-9B.					

Item	Description	Development Stage				Checklist Provided/ NA*
		Concept Plan	Minor Sub. Plat	Subdivision Plats		
				Prelim.	Final	
<b>I</b>	<b>Project - Plat Information</b>					
64	Grading and drainage plans including roads, drainage ditches, sediment basins, and berms.			X	X	
65	Existing and proposed contour intervals as follows: Slope of less than 5% = one foot Slope of 5% to 15% = two feet or less Greater than 15% = as required for construction			X	X	
66	Proposed street grades, typical cross sections and profiles, right-of-way widths, pedestrianways, total area of roads.			X	X	
67	Existing and proposed utility infrastructure plans and profiles including sanitary sewer, water, storm drainage and stormwater management, as appropriate in the case of minor subdivisions.		X	X	X	
68	Grades and sizes of sanitary sewers and waterlines.			X	X	
69	Direction and distance to water and sewer if not available on or adjacent to the site with invert and elevation of sewer.		X	X	X	
70	Certification from electric and telephone utilities of adequate facilities to serve proposed development.	X (general)			X	
71	Location of fire hydrants.			X	X	
72	Construction details as required by ordinance.			X	X	
73	Stormwater management plan.		X	X	X	
74	Soil erosion and sediment control plan.		X	X	X	
75	Lighting plan and details, as required.		X	X	X	
76	Landscape plan and details, including required Bufferyards.		X	X	X	
77	Forest conservation plan.		X	X	X	
78	Proposed street names.			X	X	
79	New block and lot numbers.			X	X	
80	Solid waste management plan.		X	X	X	
81	Approved architectural plan and elevations.		X	X	X	

Item	Description	Development Stage				Checklist Provided/ NA*
		Concept Plan	Minor Sub. Plat	Subdivision Plats		
				Prelim.	Final	
<b>I</b>	<b>Project - Plat Information</b>					
82	Required county, state, and/or federal or approvals, e.g., State Highway Administration, County Public Works, Army CORPS of Engineers, DNR Wetlands Permit/License, MDOE Quality Certification, MDOE sanitary construction permit, local Health Department approvals.		X		X	
83	Public works agreement and surety		X		X	
84	Approved 911 Plat and Rear Alley Access 911 Numbers		X		X	

NOTES:

X = Item required at indicated development stage

\* All N/A responses require an explanation with the item # on a separate page.