

**THE SUBDIVISION
ORDINANCES OF
THE TOWN OF
SHARPSBURG,
MARYLAND**



**A MUNICIPALITY EXISTING UNDER
AND ABIDING BY THE LAWS OF
THE STATE OF MARYLAND**

TOWN OF SHARPSBURG, MARYLAND

SUBDIVISION ORDINANCE

2008

TABLE OF CONTENTS

ARTICLE 1. GENERAL PROVISIONS.....1

101 TITLE.....1

102 PURPOSE1

103 JURISDICTION.....1

104 EFFECTIVE DATE.....1

105 SEVERABILITY CLAUSE1

106 INTERPRETATION & APPLICATION OF REGULATIONS1

107 FEES1

108 REPEAL OF CONFLICTING ORDINANCES2

109 MUNICIPAL LIABILITY.....2

ARTICLE 2. DEFINITIONS3

201 GENERAL INTERPRETATION3

202 DEFINITIONS.....3

ARTICLE 3. STANDARD REQUIREMENTS6

301 STREET DESIGN6

302 RIGHT-OF-WAYS7

303 PLANNED RESIDENTIAL DEVELOPMENT.....9

304 INTERSTATE HIGHWAY BUFFER.....9

305 EASEMENTS9

306 BLOCKS.....10

307 PUBLIC SITES & OPEN SPACES.....10

ARTICLE 4: PROCEDURE FOR SUBMISSION & REVIEW OF PLATS12

401 INTRODUCTION12

402 PURPOSE OF THE SKETCH PLAN12

403 PROCEDURES FOR SUBMISSION & REVIEW OF THE SKETCH PLAN12

404 CONDITIONAL APPROVAL OF PRELIMINARY PLAT.....13

405 PROCEDURES FOR SUBMISSION & REVIEW OF PRELIMINARY PLAT.....13

406 CONDITIONAL APPROVAL.....14

407 FINAL PLAT SUBMISSION.....15

408 APPROVAL OF FINAL PLAT.....15

409 PROCEDURES FOR SUBMISSION & REVIEW OF THE FINAL PLAT15

410 PURPOSE OF THE SIMPLIFIED PLAT16

411 PROCEDURES FOR SUBMISSION & REVIEW OF THE SIMPLIFIED PLAT17

ARTICLE 5. DATA & INFORMATION REQUIRED ON SKETCH PLANS & PLATS18

501 INTRODUCTION18

502 SKETCH PLAN REQUIREMENTS.....18

503 REQUIREMENTS FOR THE PRELIMINARY PLAT18

504 REQUIREMENTS FOR THE FINAL PLAT (Bonding Requirements).....20

505 REQUIREMENTS FOR THE SIMPLIFIED PLAT21

ARTICLE 6. REQUIRED IMPROVEMENTS23

601 DESCRIPTION.....23

602 PUBLIC WATER & SEWER SYSTEMS.....23

603 STORM SEWER SYSTEM.....23

604 STREET NAMES & LIGHTING.....23

605	MEANDERING STREETS	24
606	CURBS & GUTTERS	24
607	SIDEWALKS.....	24
608	MONUMENTS	24
609	FIRE HYDRANTS	24
610	WIDENING OR REALIGNMENT OF EXISTING ROADS.....	24
ARTICLE 7. ENVIRONMENTAL REGULATIONS		26
701	PURPOSES.....	26
702	GENERAL REGULATIONS	26
703	BOUNDARIES	26
704	WOODLAND AREAS & UNIQUE VEGETATION	26
705	FLOOD HAZARD AREAS.....	26
706	NON-TIDAL WETLANDS.....	27
707	STEEP SLOPES	27
708	RARE & ENDANGERED SPECIES	28
709	STREAM BUFFERS	28
710	GENERAL PLANTING & BUFFER REQUIREMENTS.....	29
ARTICLE 8. WAIVERS.....		30
801	WAIVER FOR EXCEPTIONAL CONDITIONS	30
802	PROCEDURAL WAIVER	30
ARTICLE 9. CONTROL, ENFORCEMENT & PENALTIES		31
901	SUBDIVISION CONTROL.....	31
902	ENFORCEMENT	31
903	PENALTIES FOR VIOLATION.....	31

ARTICLE 1. GENERAL PROVISIONS

101 TITLE

This document shall be known as the Town of Sharpsburg Subdivision Ordinance.

102 PURPOSE

The purpose of these regulations are to regulate and control the division of land located within Sharpsburg in order to promote the public health, safety, and general welfare of the residents of the Town of Sharpsburg. The regulations also implement requirements of the State of Maryland under Article 66B of the Annotated Code of Maryland to:

- A. Concentrate development in suitable areas
- B. Protect sensitive areas
- C. Conserve and reduce the consumption of natural resources
- D. Establish compliance with the Maryland Building Performance Standards

103 JURISDICTION

All lands within the incorporated limits of the Town of Sharpsburg shall be subject to the provisions of this ordinance. No such land shall be subdivided and offered or negotiated for sale, sold, or ownership transferred except in accordance with the provisions of this ordinance.

104 EFFECTIVE DATE

The provisions of these Regulations will be in full force 5 days after the adoption date.

105 SEVERABILITY CLAUSE

Should any article or provision of these regulations be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the regulations as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

106 INTERPRETATION & APPLICATION OF REGULATIONS

In their interpretation and application the provisions of these regulation standards shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and general welfare. Wherever these regulations are at variance with the requirements of any lawfully adopted laws, rules, regulations, ordinances, deed restrictions, or covenants, the most restrictive or that imposing the higher standards shall govern.

107 FEES

The Mayor and Council shall establish a schedule of fees to cover the cost of reviewing the plans and plats described herein. The Development Administrator shall collect fees for this process for the Town of Sharpsburg at the time of filing.

108 REPEAL OF CONFLICTING ORDINANCES

All ordinances and regulations or parts thereof which are in conflict or inconsistent with the provisions of these Land Subdivisions Regulations are hereby repealed to the extent necessary to give these regulations full force and effect; except, that if a conflict occurs between these regulations and the official *The Town of Sharpsburg Zoning Ordinance*, then the Planning Commission will make a decision.

109 MUNICIPAL LIABILITY

The granting of a permit or approval of a subdivision and/or land development plan in any identified flood plain, mined area, slopeland, or other area shall not constitute a representation, guarantee, or warranty of any kind by the Town of Sharpsburg or by any official or employee thereof the practicability or safety of the proposed use, and shall create no liability upon the Town, its officials or employees.

ARTICLE 2. DEFINITIONS

201 GENERAL INTERPRETATION

For the purpose of these regulations, certain terms or words used herein shall be interpreted as follows:

1. The word person includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
2. The present tense includes the future tense.
3. The singular number includes the plural; the plural number includes the singular.
4. The word shall is mandatory; the word may is permissive.
5. The word lot includes the words plot or parcel.

202 DEFINITIONS

For the purpose of these regulations, the following definitions shall apply:

Approval, Final – Final Approval is the official action of the Planning Commission taken on a tentatively approved Preliminary Plat after all requirements, conditions, engineering plans, etc., have been completed and the required improvements have been installed or bonds properly posted to guarantee their completion.

Block - A lot or group of lots bounded on one side by a street, and the other three sides by a street, railroad right-of-way, waterway, a tract of land and other definite barriers, or combinations thereof.

Comprehensive Plan – The current Town of Sharpsburg Comprehensive Plan and amendments.

Cartway – The portion of a street right-of-way, paved or unpaved, intended for vehicular use.

Cul-de-Sac – The terminus (terminating point) of a public street which is at least 80 feet in diameter of pavement and 100 feet of property in diameter, and designed to allow the turning around of motor vehicle.

Development Administrator – The municipal officer so designated by the Town Manger and the Sharpsburg Mayor and Council to enforce the Town of Sharpsburg Zoning and Subdivision Ordinance.

Drainage Rights-of-Way – The lands required for the installation of storm water sewers or drainage ditches or required along a natural stream or watercourse for preserving the channel and providing for the flow of water therein to safeguard the public against flood damage.

Easement – A grant of the use of a parcel of land for the use of the public, a corporation or person for a specific purpose, without including title to the land.

Engineer, Registered Civil – A civil engineer licensed by the State of Maryland.

Engineer, Town – An engineer employed by the Mayor and Council to perform engineering services at their direction.

Flood Plain – A relatively flat or low land area adjoining a river, stream or watercourse which is subject to partial or complete inundation; or, any area subject to the unusual and rapid accumulation or runoff of surface waters from any source; and, specifically including those areas subject to flood by waters of the 100-year flood as shown on the U. S. Department of Housing and Urban Development, Federal Insurance Administration, Flood Insurance Rate Map for Sharpsburg.

Flood Way – The designated area of a flood plain required to carry and discharge flood waters.

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

Landowner – The legal beneficial owner or owners of land, including the holder of an option of contract to purchase (whether or not such option or contract is subject to any conditions), a lessee if he is authorized under the lease to exercise the rights or the landowners, or other person having a proprietary interest in the land.

Lot – A parcel or portion of land separated from other parcels or portions by description on a subdivision plat, or record of survey map, or by metes and bounds for the purpose of sale, lease or separate use.

Owner – Any individual, firm, association, syndicated, partnership or corporation having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under this ordinance.

Performance Guarantee – Any security which may be accepted in lieu of a requirement that certain improvements be made before the Planning Commission approves a plat including but not being limited to performance bonds, escrow agreements and other similar collateral or surety agreements with surety to be approved by the Planning Commission.

Planning Commission – The Planning and Zoning Commission of Sharpsburg, Maryland.

Plat – A plat is the finished map or layout of subdivision.

Plat, Final – The final map of layout of all or a portion of the subdivision which is submitted to the Planning Commission for final approval in according with these regulations and which, if approved, shall be filed with the office of the Clerk of the Circuit Court of Washington County.

Plat, Preliminary – A preliminary map or layout indicating the proposed layout of the subdivision which is submitted for Planning Commission consideration and conditional approval and which meets the requirements of **Articles 4 & 5** of this Ordinance.

Right-of-Way – A strip of land occupied or intended to be occupied by a street, alley, crosswalk, sanitary or storm sewer, drainage ditch, or other special use. The usage of the term “right-of-way” for land plotting purposes in the Town shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels.

Sketch Plan – An optional subdivision procedure to ensure the subdivider has the opportunity to consult early and informally with Town agencies and officials and in accordance with **Article 4**.

Streets & Alleys – The term shall mean a way for vehicular traffic whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place or however otherwise designated.

1. Arterial streets and highways are those which are used primarily for fast or heavy traffic.
2. Collector streets are those which carry traffic from minor streets to the major arterial streets and highways including the principal entrance streets of a major residential development and streets for circulation within such a development.
3. Minor streets are those which are used primarily for access to the abutting properties.
4. Marginal access streets are minor streets, which are parallel to and adjacent to arterial streets and highways; and which provide access to abutting properties and protection from through traffic. They do not provide access to properties between the arterial highway and the marginal access streets.
5. Alleys are minor ways, which are used primarily for vehicular service access to the back or the side of properties otherwise abutting on a street.

Subdivider – Any individual, firm, association, syndicate, partnership, corporation, trust or other legal entity commencing proceedings under this ordinance to effect a subdivision of land thereunder for himself, herself or another.

Subdivision – The term subdivision means the division of a parcel of land into two or more lots or parcels for the purpose of transfer of ownership or building development, except that for purposes of these regulations, the transfer or sale of land between owners of adjoining properties which does not involve the creation of any new buildable lots under the terms of the Town of Sharpsburg Zoning Ordinance shall not constitute a subdivision. The term includes re-subdivision and when appropriate to the context shall relate to the process of subdividing or to the land subdivided.

Surveyor, Registered Land – A land surveyor licensed by the State of Maryland.

Water Supply System – A utility system designed and operated to supply potable water, in compliance with Washington County and the State of Maryland Health regulations.

Centralized Water Supply System – A utility system serving two or more dwelling units, businesses, commercial, industrial or other establishment.

Private Water System – A utility system serving only one dwelling unit or single commercial, business, industrial or other establishment.

Zoning Ordinance – The officially adopted Zoning Ordinance of the Town of Sharpsburg, together with any and all amendments thereto.

ARTICLE 3. STANDARD REQUIREMENTS

301 STREET DESIGN

The following general standards shall apply:

1. The minimum standard for road construction in a subdivision is as follows: eight inches (8") of crusher run #6 after compaction for the road base in two four-inch (4") courses and four inches of bituminous concrete in two layers. A two and one half inch (2 ½") layer of bituminous concrete binder (base) course paving plus the curbing on both sides of the street must be completed prior to the selling of the first lot in the designated area and the final one and one half inch (1 ½") of bituminous concrete surface course after sixty percent of the lots are sold in the designated development area. A tack coat shall be provided for between asphalt layers. This standard is for Minor/Local roads only. The Town Engineer and Planning Commission shall approve the width of the road and will be thirty feet (30') wide from inside of curb to inside of curb unless other uses are approved by the Planning Commission.
2. All utility lines (water, sewerage, gas, electricity, telephone, cable television) must be placed at each lot prior to the two and one half inch (2 ½") layer of bituminous concrete binder (base) course paving. The Code Enforcement Officer and Planning Commission shall approve the water lines, sewer lines, fire hydrant locations and stormwater system.
3. All adjacent roadway shoulders' slopes shall be graded to a 3.5:1 run to rise away from road surface prior to any asphalt paving.
4. The Subdivider shall be responsible for road construction. The obtaining of a bond in accordance with Article 504 3(b) of the Subdivision Ordinance shall be enforced by the Town. A schedule of the road construction process shall be established and approved by the Town Engineer and Planning Commission.
5. Included in the subdivision site plan shall be engineered drawings, which shall include profiles and cross section views of roads, drainage, and all utilities. The Town Engineer shall determine the frequency of cross section. The minimum frequency shall be in fifty-foot (50') intervals or any significant structure or natural or man-made drainage swale. The site plan shall included existing and proposed contours at intervals of two-feet (2') vertical or less.
6. The Subdivider shall maintain roads until they are completely finished; then the Town may accept them. Maintenance of roads includes snow and ice removal and the repair of roadway surface due to normal wear. This includes repairing potholes and all drainage facilities before the Town gains acceptance.
7. The Town Engineer and Planning Commission shall approve the placement of curbs to control parking and stormwater. Curbs shall be constructed of concrete. Precast shall be approved by the Town prior to placement.

8. The developer shall submit a timetable or road construction with the final plat to be approved by the Town Engineer and Development Administrator.
 - a) The alignment, character, extent, width, and location of all streets within or bordering the subdivision shall conform to the Comprehensive Plan for Sharpsburg and shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.
 - b) Where such is not shown in the Comprehensive Plan, the arrangement of streets in a subdivision shall either:
 - i) Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or
 - ii) Conform to a plan for the neighborhood approved or adopted by the Planning Commission to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impracticable.
 - c) Minor streets shall be so laid out that their use by through traffic will be discouraged.
 - d) Where a subdivision abuts or contains an existing proposed arterial street or railroad right-of-way, the Planning Commission may require marginal access streets at a distance from such right-of-way suitable to the appropriate use of the intervening land, as for park purposes in residential districts or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic. To these ends, the Planning Commission may require the subdivision to be designed so as to limit the number of street intersections and to limit access from abutting properties to arterial streets and highways.

302 RIGHT-OF-WAYS

1. Street right-of-way widths shall not be less than follows:

<u>Street Type</u>	<u>Right-of-Way</u>
1. Arterial	80 Feet
2. Collector	60 Feet
3. Minor/Local	50 Feet
4. Marginal Access	50 Feet
5. Alley	25 Feet

2. Half streets shall be prohibited, except where essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations and where the Planning Commission finds it will be practicable to require the dedication of the other half when the adjoining property is subdivided. Wherever a half street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract.

3. Cul-de-sacs, designed to be so permanently, shall not be longer than eight hundred feet (800') and shall be provided at the closed end with a turn-around having an outside roadway diameter, right-of-way, of at least eighty feet (80'), and a street right-of-way diameter of at least one hundred feet (100') and shall not furnish access to more than twenty-five (25) dwelling units.
4. The Planning Commission may require a suitable turn-around when a street is temporarily dead-ended and over two hundred feet (200') from its nearest intersection.
5. Street grades, curves and intersections shall be subject to the approval of the Planning Commission and Town Engineer, and in general shall conform to the following specifications:
 - a) Street jogs with centerline offsets of less than one hundred and twenty-five feet (125') shall be avoided.
 - b) A tangent at least one hundred feet (100') long shall be introduced between reverse curves on arterial and collector streets.
 - c) When a deflection angle of more than ten (10) degrees in the alignment of a street occurs, a curve shall be introduced having a centerline radius of a curvature not less than four hundred feet (400') on arterial streets, three hundred feet (300') on collector streets, and two hundred feet (200') on minor/local streets.
 - d) All changes in grade shall be connected by vertical curves to current stop distance design criteria as approved by the Planning Commission.
 - e) Clear visibility, measured along the road centerline, shall be provided for at least three hundred feet (300') on arterial streets, two hundred feet (200') on collector streets, and one hundred feet (100') on minor streets.
 - f) No street grade shall be less than 0.75 percent, and wherever feasible, shall not exceed the following, with due allowance for reasonable vertical curves:

<u>Street Type</u>	<u>Percent Grade</u>
Arterial	6
Collector	6
Minor/Local	10
Marginal Access & Alleys	10

Streets shall be laid out so as to intersect at right angles and no street shall intersect any other street at less than ninety (90) degrees.

Property lines at street intersections shall be rounded with a radius of fifteen feet (15'), or of a greater radius where the Planning Commission may deem it necessary. The Planning Commission may permit comparable cut-off or chords in place of rounded corners.

6. Alleys shall be provided in commercial and industrial districts, except that the Planning Commission may waive this requirement where other definite and assured provisions are made for service access,

such as fire/rescue service, off-street loading, unloading and parking consistent with and adequate of the uses proposed.

7. Proposed streets which are obviously in alignment with others already existing and named shall bear the name of the existing streets duplicate, or be phonetically similar to existing street names, irrespective of the use of the suffix: street, avenue, boulevard, drive, place or court.
8. All Collector and Arterial streets shall be constructed to standards approved by the Town Engineer and Planning Commission.

303 PLANNED RESIDENTIAL DEVELOPMENT

Planned residential areas provide flexibility in developing larger unused tracts. The areas would be residential in nature, permitting limited types and amounts of supporting commercial uses. There are three techniques for Planned Residential Developments “PRD”, Cluster, Traditional Neighborhood and Open Space Developments. PRDs must meet the requirements of this Ordinance as well as the Town of Sharpsburg Zoning Ordinance.

1. Cluster Developments permit developers to group homes together on smaller lots in exchange for setting aside areas of permanent open space.
2. Traditional Neighborhood Developments accommodate development in a manner that encourages community interaction and cohesion, a mixing of housing densities and types, as well as mixed commercial and open space.
3. Open Space Development is a complete approach to designing residential subdivision which considers the significant physical features of the site in determining the development which the site can support.

304 INTERSTATE HIGHWAY BUFFER

A non-development buffer shall be maintained 100 feet from the State of Maryland right-of-way for I-70. This includes the structure and its surrounding lot. The buffer should include the planting of evergreen trees parallel to the right-of-way. The Planning Commission & the MD Department of Natural Resources Forest Service Division must approve a site plan detailing the buffer. This buffer is used to maintain a rural setting for the motorists, the lot owner, and reduce noise.

305 EASEMENTS

1. Existing Developmental Easement – A non-developmental easement shall be maintained when a new subdivision is proposed for development adjacent to an existing subdivision. The easement shall be no less than 100 feet in width and shall not be subject to development, but may be utilized as Open Space meeting the requirement of Article 3, Section 307.
2. Easements across lots or centered on lot lines shall be provided for utilities where necessary and shall be at least twenty-five feet (25’) wide.

3. Where a subdivision is traversed by a watercourse, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such watercourse, and of such further width or construction, or both, as will be adequate for the purpose, as approved by the Planning Commission. To aid in its review, the Planning Commission will require the submission by the Subdivider of a storm water runoff analysis for the proposed development certified by a professional civil engineer. The analysis may include the establishment of the 100-year and 500-year flood plains.

306 BLOCKS

The lengths, widths and shapes of blocks shall be determined with due regard to provision of adequate building sites suitable to the special needs, contemplated, zoning requirements as to lot sizes and dimensions, Article 301 to 306 in these regulations, needs for convenient access, circulation, control and safety of street traffic, and limitations and opportunities of topography among others.

Block length shall not exceed sixteen hundred feet (1,600'), or be less than five hundred feet (500'), except that in unusual situations this provision may be waived by the Planning Commission.

Blocks shall be designed with sufficient width to provide two (2) tiers of lots, except that where blocks adjoin arterial streets, railroads, streams or other drainage courses, multi-family, commercial or industrial areas, schools, churches or similar land uses, the Planning Commission may approve blocks with only one (1) tier of lots.

Pedestrian crosswalks not less than ten feet (10') wide may be required where deemed essential by the Planning Commission to provide circulation or access to schools, playgrounds, shopping centers, transportation, and other community facilities.

Nonresidential blocks designed for business or industry shall be of such length and width as may be determined necessary by the Planning Commission, including adequate provisions for traffic circulation, off-street parking, loading and unloading zones and truck maneuvering.

307 PUBLIC SITES & OPEN SPACES

1. Where a proposed park, playground, school, street or other public use shown in the Comprehensive Plan or other supporting plan is located in whole or in part in a subdivision, the Planning Commission may require the dedication or reservation of such area within the subdivision in those cases in which the Planning Commission deems such requirements to be reasonable.
2. Where deemed essential by the Planning Commission, upon consideration of the particular type of development proposed in the subdivision, and especially in large-scale neighborhood developments, the Planning Commission may require the dedication for public use, or reservation by deed covenant for common use by all or property owners in the subdivision, of such other areas or sites of a character, extent and location suitable to the needs created by such development for schools, parks and other neighborhood purposes.

3. Open Space Definition:

- a) Consideration shall be given to the arrangement and location of Open Spaces to take advantage of physical characteristics of the site and to place Open Spaces within easy access and view of dwelling units, at the same time preserving and, where applicable, enhancing natural features.
 - ii) The property dedicated for Open Space shall not have a slope greater than 25%.

4. Open Space Ownership and Responsibility:

- a) Open space areas shall be maintained so that their use and enjoyment as open space is not diminished or destroyed. Open space areas may be owned, reserved and maintained by any of the following:

Dedication of open space to the Town or an appropriate public agency willing to accept the dedication.

Common ownership of the open space by a homeowner's association which assumes full responsibility for its maintenance.

Dedication of development rights of open space may be made to an appropriate public agency with ownership remaining with the developer or homeowner's association. Maintenance responsibility shall remain with the property owner.

Deed-restricted private ownership which shall prevent development and/or subsequent subdivision of the open space land and provide maintenance responsibility.

- b) Maintenance of natural areas is limited to the removal of litter, dead tree and plant materials and brush. Natural watercourses shall be maintained as free flowing and devoid of debris. Stream channels shall be maintained so as not to alter floodplain level.
- c) Maintenance of recreational areas is limited to insuring that no hazards, nuisances, or unhealthy conditions exist (high grass, compost, litter, construction equipment/material, recreational equipment).
- d) Pedestrian amenities shall be maintained in a clean and safe condition.

ARTICLE 4: PROCEDURE FOR SUBMISSION & REVIEW OF PLATS

401 INTRODUCTION

The procedures contained hereinafter provide for a three-step process in the review of plats for proposed subdivisions. These three steps consist of:

1. Submission and review of a Sketch Plan (optional).
2. Submission and review of a Preliminary Plat.
3. Submission and review of a Final Plat.
 - a) The first step, involving submission and review of a Sketch Plan of a proposed subdivision, shall be optional and shall not be a prerequisite for approval of the Preliminary or Final Plats.
 - b) This optional procedure is highly recommended to any potential applicant because it provides an opportunity to resolve problems early in the proceedings and to make necessary modifications and revisions prior to incurring the expense of preparing Preliminary and Final Plats.
 - c) Steps 2 and 3 above, involving submission and review of Preliminary and Final Plats shall both be mandatory; except, that in certain cases the Planning Commission, with concurrence of the Mayor & Town Council, may grant a procedural waiver, consistent with the provisions of Article 8.

402 PURPOSE OF THE SKETCH PLAN

The purpose of the “Sketch Plan” is to afford the Subdivider the opportunity to consult early and informally with the Planning Commission, Development Administrator, County Health Department, Soil Conservation Service, and other agencies before preparation of the Preliminary Plat and formal application for approval.

During the “Sketch Plan” procedure, the applicant can advantageously make use of the services of the administrative personnel of the Town as well as the Planning Commission to help analyze the proposed development and to plan more effectively for its sound coordination with the community. This procedure also affords the administrative personnel and Planning Commission the opportunity to give informal guidance to the applicant at a stage when potential points of difference can be most easily resolved.

403 PROCEDURES FOR SUBMISSION & REVIEW OF THE SKETCH PLAN

1. The subdivider may submit a Sketch Plan prepared in accordance with the provisions of this ordinance to the Planning Commission in care of the Development Administrator.
2. If the subdivider chooses to submit a Sketch Plan to the Planning Commission, he shall file such copies as the Development Administrator may request. The Development Administrator may distribute copies to the following:

- One copy to the County Health Department
- One copy to the County Planning Department
- One copy to the Soil Conservation Service

Additional copies to such officials as the Planning Commission may designate.

3. Within thirty (30) days of its last regularly scheduled meeting receipt of the complete submission, the Planning Commission shall:
 - a) Receive and review the reports by the Development Administrator, the County Health Department, the County Planning Department, the Soil Conservation Service and other agencies, if applicable, and:
 - i) Provide the Subdivider an opportunity to be heard and discuss the submission with the Subdivider if he so desires.
 - ii) Inform the Subdivider that the plans and data as submitted or as modified do or do not meet the objectives of these regulations. When the Planning Commission finds that the plans and data do not meet the objectives of these regulations, it shall express its reasons therefore.
 - iii) The Planning Commission's review of any subdivision shall include consideration of the provisions, standards, policy and plans contained in Articles 7 and 8 of this ordinance, the Town's Comprehensive Plan and generally accepted planning and design practices.

404 CONDITIONAL APPROVAL OF PRELIMINARY PLAT

The purpose of the Preliminary Plat is to require formal, but conditional approval in order to determine what changes and decisions must be made prior to submission of the Final Plat.

1. The Preliminary Plat and all information and procedures shall comply in all respects with the provisions of these regulations before conditional approval may be given, except where a waiver therefrom may be specifically authorized in accordance with the provisions of Article 8 hereof.

405 PROCEDURES FOR SUBMISSION & REVIEW OF PRELIMINARY PLAT

The following procedures shall be used:

1. The Preliminary Plat shall be prepared in accordance with the following regulations and shall be submitted prior to the completion of the final surveys of streets and lots, and before any street grading or street construction has been started, and before any map of said subdivision is made in final form for recording.
2. The Preliminary Plat and supplementary material specified shall be submitted to the Planning Commission, with the written application on forms provided by the Planning Commission for its

study, review and recommendations. Such material shall be filed with the Planning Commission in care of the Development Administrator.

3. The Subdivider shall file five copies plus an original as the Development Administrator may request. The Development Administrator may distribute copies to the following:
 - One copy to the County Planning Department
 - One copy to the County Health Department
 - One copy to the Soil Conservation Service
 - One copy to each utility company which would be responsible for providing utility service to the proposed development
 - One copy to the Sharpsburg Fire Department

Additional copies to such officials as the Planning Commission may designate.

4. Within sixty (60) days of receipt of the complete submission by the Planning Commission, the Planning Commission shall:
 - a) Receive and review the reports by the Development Administrator, the County Health Department, the County Planning Department, the Soil Conservation Service, appropriate utilities and other agencies if applicable.
 - b) Provide the Subdivider an opportunity to be heard and discuss the submission with the Subdivider if he so desires.
 - c) Inform the Subdivider that the plans and data as submitted or as modified do or do not meet the objectives of these regulations.
 - d) The Planning Commission shall express its approval as Conditional Approval and state the conditions of such approval, if any, or if disapproved, shall express its disapproval and its reasons therefore.
5. The action of the Planning Commission shall be noted on two copies of the Preliminary Plat including any special conditions attached to such action and attested to by the signature of the Commission chairman or acting chairman. One copy shall be returned to the Subdivider and the other retained by the Planning Commission.

406 CONDITIONAL APPROVAL

Conditional Approval of a Preliminary Plat shall not constitute approval of the Final Plat. Rather, it shall be deemed an expression of approval of the Preliminary Plat as a guide to the preparation of the Final Plat. Upon fulfillment of the requirements of these regulations and the conditions of the Conditional Approval, if any, the Final Plat shall be submitted for the approval of the Planning Commission and for recording with the Clerk of the Circuit Court.

407 FINAL PLAT SUBMISSION

Should the Subdivider fail to submit the Planning Commission a Final Plat affecting all or a part of the area covered by the Preliminary Plat within one year of the date of the Conditional Approval, the Conditional Approval shall expire and the Subdivider shall begin the subdivision process under this ordinance anew.

408 APPROVAL OF FINAL PLAT

The Final Plat shall conform substantially to the Preliminary Plan as approved. However, it may constitute only that portion of the approved Preliminary Plat, which the Subdivider proposes to record and develop at the time, provided that such portion conforms to all requirements of these regulations.

1. A Final Plat shall be submitted conforming to the changes recommended during the Preliminary Plat procedure. The Final Plat and all information and procedures relating thereto shall in all respects be in compliance with the provisions of these regulations, except where waiver therefrom may be granted in accordance with the provisions of Article 6 hereof.
2. The Planning Commission shall require to be submitted in conjunction with the Final Plat, a notarized statement of intent describing generally the manner and sequencing of the development of the subdivision. When the Planning Commission requires such a statement of intent, it shall be attached as an addendum to the plat, and if the plat is approved, shall be recorded with the plat.

409 PROCEDURES FOR SUBMISSION & REVIEW OF THE FINAL PLAT

The following procedures shall be used:

1. The Final Plat and other exhibits required for approval shall be prepared as specified in Article 4 and shall be submitted to the Planning Commission in care of the Development Administrator, within twelve (12) months after approval of the Preliminary Plat.
2. The Subdivider shall file a minimum of five copies, and such additional as the Development Administrator may request. The Development Administrator may distribute copies to the following:
 - One copy to the County Health Department
 - One copy to the County Planning Commission
 - One copy to the Soil Conservation Service
 - One copy to each utility company which would be responsible for providing utilities to serve the proposed subdivision
 - One copy to the Sharpsburg Fire Department

Additional copies to such officials as the Planning Commission may designate.

3. Within thirty (30) days following receipt of the complete submission, the Planning Commission shall:

- a) Receive and review reports by the Development Administrator, County Health Department, County Planning Commission, Soil Conservation Service, and other agencies, if applicable;
- b) Provide the Subdivider an opportunity to be heard, and discuss submission with the Subdivider if he so desires;
- c) Determine whether the Final Plat meets the objectives and requirements of this ordinance and other regulations; and,
- d) Inform the Subdivider in writing of the decision including required changes in the Final Plat, if any, and the reason for the decision.

4. Approval shall not be final until:

- a) One exact copy of the approved Final Plat on lined or mylar and one additional reproducible copy with the required signatures as specified by the Planning Commission and the Development Administrator shall be submitted to the Planning Commission.
- b) The applicant shall then file the lined or mylar copy for record with the Clerk of the Circuit Court of Washington County providing promptly thereafter a written receipt to the Planning Commission indicating that the plat has been filed.
- c) The Applicant shall distribute other prints to official agencies as may be required by the Planning Commission. Such agencies shall include but not be limited to: the utility companies which will be responsible for serving the subdivision; and the local office of State Department of Assessment and Taxation.

410 PURPOSE OF THE SIMPLIFIED PLAT

The purpose of the Simplified Plat is to allow the subdivision of an area where the subdivider is neither to develop the land nor to divide land containing existing development, a simplified plat may be submitted for the Commission’s review. Examples of this type of subdivision may include the conveyance of land between adjacent property owners for the purpose of property enlargement, readjustment of property line and/or correction of deed discrepancies, acquisition in fee simple of utility right-of-way or access right-of-way, and acquisition of parcels of three (3) acres or more for bona fide agricultural or conservation purposes. Other purposes not specified above will be considered individually by the Planning Commission.

- 1. The Planning Commission shall approve or disapprove a simplified plat with sixty (60) days after submission, otherwise such plat shall be deemed to have been approved and the certificate to the effective date shall be issued by the Planning Commission on demand. The grounds of disapproval of said plat shall be stated upon the records of the Planning Commission.

411 PROCEDURES FOR SUBMISSION & REVIEW OF THE SIMPLIFIED PLAT

The Subdivider must submit the simplified plat in black or blue line reproductions and one (1) reproducible transparency, drawn to scale at one inch (1") equals one hundred feet (100') to the Planning Commission in care of the Development Administrator.

If the Subdivider submits a Simplified Plat to the Planning Commission, he shall file such copies as the Development Administrator may request. The Development Administrator may distribute copies to the following:

- One copy to the County Health Department
- One copy to the County Planning Department
- One copy to the Soil Conservation Service

Additional copies to such officials as the Planning Commission may designate.

ARTICLE 5. DATA & INFORMATION REQUIRED ON SKETCH PLANS & PLATS

501 INTRODUCTION

The procedures which must be followed in order for an applicant to have a proposed subdivision reviewed and approved by the Planning Commission are set forth in Article 4 of these regulations. The purpose of this section is to set forth the requirements for data and information, which must be contained on the Sketch Plan and Plats.

502 SKETCH PLAN REQUIREMENTS

The following data and information shall be included on the Sketch Plan:

1. Name of the Subdivision. The name of the proposed subdivision shall not be similar or identical to the name of any existing subdivision in the Town or surrounding areas.
2. Name and address of the owner.
3. Name and address of the engineer or surveyor, if any.
4. Tract boundaries and existing zoning.
5. North arrow, scale and date.
6. Streets on and adjacent to the tract.
7. Significant topographical and physical features.
8. Proposed general street layout.
9. Proposed general lot layout.
10. Designations of the general character of use for the various portions of the tract. (Including, for example, any proposed commercial or industrial uses, or the general type of housing proposed.)

503 REQUIREMENTS FOR THE PRELIMINARY PLAT

The following requirements shall apply to the preliminary plat:

1. Drafting standards:
 - a) The preliminary Plat shall be at a scale of one hundred feet (100') to one inch (1") or other scale as the Planning Commission may direct. It shall show or have attached the following information and proposals:
2. Topographic data shall include the following information on existing conditions except when otherwise specified by the Planning Commission:

- a) Existing boundary lines: bearing and distances;
- b) Existing easements: location, width and purpose;
- c) Contours at an interval of not more than five feet (5’);
- d) Subsurface conditions on the tract, if required by the Planning Commission: location and results of tests made to ascertain subsurface soil, rock and groundwater conditions where drainage systems are proposed;
- e) Other existing conditions on the tract such as watercourses, marshes, wooded areas, isolated preservable trees, houses, barns, shacks and other significant features;
- f) Other existing conditions on adjacent land such as approximate direction and gradient of ground slope, including any embankments or retaining walls; location of railroads, power lines, towers, and other nearby non-residential land uses; names of owners of adjacent unplatted land; for adjacent platted land refer to subdivision plat by name, recordation date and number. Where the proposed subdivision lies partially or completely in the flood plain areas, or where the subdivision borders on the flood plain areas, the Preliminary Plat map shall include detailed information giving the location and elevation of proposed roads, utilities and building sites and the extent of 100-year flood.

3. Improvements on or adjacent to the site, as follows:

- a) Existing streets on and adjacent to the tract; name and right-of-way width location, type, width and elevation of surfacing; any legal centerlines, elevations; walks, curbs, gutters, culverts, etc.
- b) Existing utilities adjacent to and on the tract; location, size and invert elevation of sanitary, storm and combined sewers; location and size of water mains; location of gas lines, fire hydrants, electric and telephone poles, and street lights; if water mains and sewers are not on or adjacent to the tract, indicate the directions and distance to and size of nearest ones, showing invert elevation of sewers.
- c) Proposed public improvements: highway or other major improvements planned by public authorities for future construction on or near the tract.
- d) Location of all existing monuments.

4. Other information as follows:

- a) Zoning on and adjacent to the tract.
- b) Key plan showing location of the tract.

- c) The words “Preliminary Plat – Not To Be Recorded” shall be shown on the plat.
- d) Title and certificates: present tract designation according to official records in office of the Circuit Court; title under which proposed subdivision is to be recorded, with names and addresses of owners, notation stating acreage, scale, north arrow, datum, benchmarks, certification of registered civil engineer or land surveyor, date of survey, date of application, date of submission, date of revisions, and date of any re-submission.

504 REQUIREMENTS FOR THE FINAL PLAT (Bonding Requirements)

The following requirements shall apply to the Final Plat:

1. Final Plat shall be drawn in ink on mylar (preferred sheet 18 inches by 24 inches) and shall be at a scale of one hundred feet (100’) to one inch (1”). Where necessary, the Plat may be on several sheets accompanied by an index sheet showing the entire subdivision. For large subdivisions, the Final Plat may be submitted for approval progressively in contiguous sections satisfactory to the Planning Commission. The Final Plat shall show the following:
 - a) Primary control points approved by the Development Administrator, or descriptions and “ties” to such control points, to which all dimensions, angles, bearings, and similar data on the Plat shall be referred.
 - b) Tract boundary lines, right-of-way lines of streets, easements and other rights-of-way, and property lines of residential lots and other sites; with accurate dimensions, bearings of deflection angles, and radii, arch, and central angles of all curves.
 - c) Name and right-of-way width of each street or other right-of-way.
 - d) Location, dimensions and purpose of any easements.
 - e) Number to identify each lot or site.
 - f) Purpose for which sites other than residential lots are dedicated or reserved.
 - g) Minimum building setback line on all lots and other sites.
 - h) Location and description of monuments.
 - i) Names of record owners of adjoining unplatted land.
 - j) Reference to record subdivision plats of adjoining platted land by record name, date and number.
 - k) Certification by registered land surveyor or civil engineer, certifying to accuracy of survey and plat.

- l) Certification of title showing that Subdivider is the landowner.
 - m) Statement by owner dedicating streets, right-of-way and any sites for public uses.
 - n) Title, scale, north arrow and date.
 - o) The words “Final Plat” shall be shown on the plat.
 - p) Location of existing buildings, the outline of all wooded areas, areas subject to flooding including information on elevations and boundaries of the 100-year flood plain as defined by the U. S. Department of Housing and Urban Development rate maps as defined herein.
2. Cross sections and profiles of streets showing grades approved by the Development Administrator and Town Engineer. The profiles shall be drawn to Town standards scales and elevations and shall be based on a datum plan approved by the Development Administrator and Town Engineer.
 3. A Certificate by the Development Administrator certifying that the Subdivider has complied with one of the following alternatives:
 - a) All improvements have been installed in accordance with the requirements of these regulations and with the action of the Planning Commission giving Conditional Approval of the Preliminary Plat, or
 - b) A certificate by the Town Engineer shall be furnished stating that the improvements required to be accomplished by the Subdivider have been satisfactorily completed; or, in lieu thereof, the Subdivider shall furnish to the Town a bond or other form of performance guarantee acceptable to both the Town Attorney and the Planning Commission, to assure the accomplishment of such improvements within the period of time fixed by the Commission in an amount recommended by the Town Engineer, and approved by the Commission, to be adequate to cover the total estimated costs of the required improvements, such as street, curb/gutter, storm water management, water/sewer requirements, lighting requirements, or in the alternative, a receipt from the Town Clerk, showing that prepayment has been made in the amount so fixed.
 4. Protective Covenants in form for recording.
 5. Other Data: Such other certificates, affidavits, endorsements, maps and plans of all improvements, and other provision as may provision as may be required by the Planning Commission in the enforcement of these regulations.

505 REQUIREMENTS FOR THE SIMPLIFIED PLAT

1. Drafting standards:

- a) The Preliminary Plat shall be at a scale of one hundred feet (100') to one inch (1") or other scale as the Planning Commission may direct. It shall show or have attached the following information and proposals.
2. Topographic data shall include the following information on existing conditions except when otherwise specified by the Planning Commission:
 - a) Names of record owners of adjoining unplatted land.
 - b) Certification of title showing that Subdivider is the landowner.
 - c) Title, scale, north arrow and date.
 - d) Number to identify each lot or site.
 - e) Tract boundary lines, right-of-way lines of streets, easements and other right-of-way, and property lines of residential lots and other sites; with accurate dimensions, bearings of deflection angles, and radii, arch and central angles of all curves.
 - f) Other existing conditions on the tract such as watercourses, marshes, wooded areas, isolated preserveable trees, houses, barns, shacks and other significant features.
 - g) Certification by registered land surveyor or civil engineer, certifying to accuracy of survey and plat.
 - h) Title and certificates: present tract designation according to official records in office of the Circuit Court; title under which proposed subdivision is to be recorded, with names and addresses of owners, notation stating acreage, scale, north arrow, datum, benchmarks, certification of registered civil engineer or land surveyor, date of survey, date of application, date of submission, date of revisions, and date of any re-submission.

ARTICLE 6. REQUIRED IMPROVEMENTS

601 DESCRIPTION

Monuments, utility and street improvements shall be provided by the Subdivider in each new subdivision in accordance with the standards and requirements described in the following schedule:

602 PUBLIC WATER & SEWER SYSTEMS

Connection to a public water distribution system as approved by the Town of Sharpsburg is required for each lot. Connection to a public sewer system as approved by the Town of Sharpsburg. Minimum standards for water service shall be provided throughout new subdivisions. A minimum pressure in the water main shall be twenty-five pounds per square inch (25 PSI), and a minimum pressure of twenty-five pounds per square inch (25 PSI) shall be maintained at any house connection. A minimum fire flow at all fire hydrants shall be 1,000 gallons per minute with a residential pressure of twenty pounds per square inch (20 PSI).

All sanitary sewer systems located in flood plain areas, whether public or private, shall be flood proofed. All water systems located in flood plain areas, whether public or private, shall be flood proofed. If there is an existing public water supply system on or near the subdivisions, the Planning Commission shall require the developer to connect to this system where practical, and shall prescribe the procedures to be followed by the developer in connecting the system.

603 STORM SEWER SYSTEM

Storm sewer system and other drainage improvements as approved by the Planning Commission and; storm drainage facilities shall be designed to convey the flow of surface water without damage to persons or property. The system shall insure drainage at all points along streets, and provide positive drainage away from buildings. The Planning Commission may require a primarily underground system to accommodate frequent floods and secondary surface system to accommodate large, less frequent floods. Drainage plans shall be consistent with local and regional drainage plans. The facilities shall be designed to prevent the discharge of excess runoff onto adjacent properties.

1. In determining the proper drainage of any subdivision, the Planning Commission shall take into consideration and, if possible, make provision for future drainage problems which may arise, and shall not be restricted in imposing conditions or regulation respecting drainage problems to the particular subdivision under consideration.
2. The subdivider shall provide for the construction of all necessary structures and storm drainage facilities required beyond the immediate boundary of the subdivision in order to conduct runoff to an acceptable point of disposal.

604 STREET NAMES & LIGHTING

Street name signs and lighting as required by the Planning Commission in order to provide proper safety. The Planning Commission may also choose the type of light fixture.

605 MEANDERING STREETS

Access streets through Subdivisions shall meander as much as possible in order to reduce the speed of vehicles in that particular Subdivision as long as the physical environment of the Subdivision allows.

606 CURBS & GUTTERS

1. **Marginal Access Streets:** 50-foot right-of-way, including a 30-foot pavement, two concrete curbs, two 4-foot sidewalks when required, and two grass utility areas.
2. **Arterial Streets:** Cross sections in accordance with the Comprehensive Plan or as determined by the Planning Commission.
3. **Collector Streets:** 60-foot right-of-way, including a 36-foot pavement, two standard grass and utility areas and two grass utility areas.
4. **Minor Streets:** 50-foot right-of-way, including a 30-foot pavement, two standard 2-foot curb and gutter sections, one 4-foot sidewalk when required, two grass and utility areas.

607 SIDEWALKS

Sidewalks may be waived by the Planning Commission unless deemed necessary to provide safe pedestrian circulation and access to schools, playgrounds, shopping centers and other community facilities.

608 MONUMENTS

Monuments shall be placed at all block corners, angle points, points of curves in streets, and at intermediate points as required by the Planning Commission, who shall also approve the material, size and length of such monuments.

609 FIRE HYDRANTS

Fire hydrants shall be located no more than 1,000 feet apart and shall be within 500 feet of any structure.

610 WIDENING OR REALIGNMENT OF EXISTING ROADS

Where the subdivision borders an existing street and the Comprehensive Plan indicates plans for realignment or widening of the street that would require reservation of some land of the subdivision, the Planning Commission may require that such areas be shown and marked on the plat "Reserved for Street Realignment (or Widening) Purposes".

ARTICLE 7. ENVIRONMENTAL REGULATIONS

701 PURPOSES

In order to provide for the health, safety and welfare of the present and future population of Sharpsburg, the Planning Commission shall refuse to approve any proposed subdivision when such subdivision would bring about the development of land which is suitable for such development due to flooding, lack of drainage, excessive slope, excessive erosive action by water, unstabilized slope or fill, inadequate access or other conditions which may cause danger to life, health, or when the lands involved would in its opinion become unsuitable through the development proposed.

702 GENERAL REGULATIONS

Proposed development projects that contain environmentally sensitive areas shall be subject to measures to protect, mitigate impacts upon, and enhance these resources. An Environmental Impact Assessment Report shall be prepared addressing identification, protection, impact mitigation, and enhancement of environmental resources of the project site and its vicinity.

703 BOUNDARIES

All areas determined by the Planning Commission to contain any resources of sensitive environmental value shall be subject to mitigation and enhancement and, whenever possible, protected and preserved as undeveloped space.

704 WOODLAND AREAS & UNIQUE VEGETATION

Forest areas and its vegetation shall be protected as much as possible on a development site in order to preserve the existing natural setting.

705 FLOOD HAZARD AREAS

1. If any grading, construction, or expansion of structures, or storage of hazardous materials is proposed within the officially designated 100-Year Flood Plain, the Development Administrator shall require that the applicant provide evidence of compliance with the Town of Sharpsburg Flood Plain Ordinance, as amended.
2. If the Development Administrator has reason to believe that a proposed development would include areas subject to a 100-Year Flood that was not studied as part of the Official Flood Plain Maps, then the Development Administrator may require an applicant to provide a detailed study of the extent of the 100-Year Flood Plain on portions of the subject property proposed development.
3. Where not prohibited by this or any other laws or ordinances, land located in flood plain areas may be platted for development with the provision that the Subdivider construct all buildings and structures to preclude flood damage in accordance with this and any other laws or ordinances regulating such development.

4. No subdivision or part thereof shall be approved if the proposed development and/or improvements will, individually or collectively, increase the 100-year flood plain elevation.
5. Building site for residences or any other type of dwelling accommodation shall not be permitted in any flood plain area. Sites for these uses may be permitted outside the flood plain area if the lowest habitable floor level is above the elevation of the 100-year flood plain.
6. Building sites for structures or building other than for residential uses shall also not be permitted in any flood plain area. However, the subdivision and/or development of areas or sites for non-residential purposes shall be permitted outside any flood plain provided all structures are designed to withstand the hydrostatic pressure of the 100-year flood.
7. If the Planning Commission determines that only a part of a proposed plat can be safely developed, it shall limit development to that part and shall require that development proceed consistent with this determination.
8. When a Subdivider does not intend to develop the plat himself or herself and the Planning Commission determines that additional controls are required to insure safe development, it may require that Subdivider impose appropriate deed restrictions on the land. Such deed restrictions shall be inserted in every deed and noted on every recorded plat.

706 NON-TIDAL WETLANDS

1. Description: Wetlands are defined as areas that have a predominance of hydric soils and that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of hydrophilic vegetation typically adapted for life in saturated soil conditions.
2. Regulations: A buffer of at least twenty-five feet shall be maintained in all areas adjacent to wetlands. This buffer shall be used to best protect and preserve non-tidal wetlands within Sharpsburg Town Limits. This area may be used to meet the requirements of **Article 3, Section 307, Public Sites and Open Space**. This area may be developed with a walking/biking trail to conform to the intent of the Comprehensive Plan and the Town of Sharpsburg Trail Alignment Study. The proper location for such proposal shall be at the discretion of the Planning Commission and the Development Administrator.

707 STEEP SLOPES

1. New Slopes: If any new slope will be created of greater than 4:1, the applicant shall provide a written description of the measures that will be used to stabilize such slope, together with a legally binding timetable in for the implementation of such measures.
2. Over 25 Percent Slopes: Any construction of a new principal building or a new parking lot on land with an existing natural slope of over 25 percent shall require special exception approval by the

Board of Appeals, except such approval shall not be needed within the C3 district or the HP overlay district. When special exception approval is required, the applicant shall:

- a) Show that existing trees and other vegetation will be preserved to the maximum reasonable extent, or be immediately replaced by new trees and other vegetation, while avoiding excessive coverage by impervious surfaces;
- b) Submit a plan showing that storm water runoff will be properly controlled;
- c) Submit and carry out a detailed soil erosion and sedimentation control plan, which shall be submitted in advance for review and acceptance by the Town or its designee; and
- d) Submit a detailed grading plan;
- e) Submission of structural design by a Professional Engineer may be required for principal structures on lots that have been filled or require excessive backfill.

Slopes on Proposed Lots:

1. This Section shall only apply to a lot submitted for subdivision approval after the adoption of this Ordinance, and which includes over 500 square feet of natural slopes of over 25 percent.
2. As part of the subdivision plan, the applicant shall designate a “buildable area”. The buildable area shall be the proposed maximum extent of portions of the lot where construction of a principal building shall be permitted. The applicant may voluntarily propose a smaller buildable area than is permitted by this Ordinance.
3. If the subdivision plan shows a buildable area that includes natural slopes over 25 percent, then the minimum lot area for those lots shall be increased to one and one half the size that would otherwise be required.

708 RARE & ENDANGERED SPECIES

1. Description: Any area previously or currently identified during site review and planning design as containing rare and endangered species/habitat.
2. Regulations: The applicant should consult the Department of Natural Resources Natural Heritage and Environmental Review to identify any valuable habitats on or near the project site. If any endangered habitats are detected, then those areas are off limits for structural building.

709 STREAM BUFFERS

1. Setback: No new principal building, off-street parking, loading area, or commercial or industrial outdoor storage area shall be located:
 - a) Within 50 feet of the centerline of a perennial waterway; and

- b) Within 25 feet of the centerline of an intermittent waterway.
- 2. Crossings: Within 50 feet of the centerline of a perennial waterway, streets and driveways shall be limited to those approximately perpendicular crossings that are absolutely necessary for public safety or to provide reasonable use of adjacent properties.
- 3. Existing Vegetation: Existing natural vegetation shall be preserved to the maximum extent possible. An applicant for a permit for activity within such area shall:
 - a) Specify on the plan those trees or areas of trees and other vegetation intended to be preserved, removed or replaced by new trees and vegetation; and
 - b) Be accompanied by a detailed soil erosion and sedimentation control plan, which shall be carried out in full.
- 4. New Trees & Vegetation: If existing trees do not exist along a perennial waterway, and if a new principal building and/or vehicle parking area is proposed adjacent to such waterway, then the applicant shall:
 - a) Plant an average of one deciduous shade tree along such waterway for each 50 feet of distance along the waterway; and
 - b) Plant new grass, shrubs or similar vegetation along the bank of the waterway if such does not already exist.

710 GENERAL PLANTING & BUFFER REQUIREMENTS

- 1. Plant Type: A mixture of flowering and/or decorative evergreen and deciduous trees may be planted. The evergreens should be used along the perimeter of the lot for screening, and the deciduous trees for shade within the lot. The areas beneath the trees should be mulched, as well as beds planted with shrubs or ground cover.
- 2. Planting Specifications: All deciduous trees shall have a minimum of two-inch circumference at its trunk, shall be nursery-grown, shall be uniform in size and shape, and have straight trunks. Evergreen trees shall be a minimum of five feet in height. All trees shall be properly planted and staked according to a plan approved by The Planning Commission & the MD Department of Natural Resources Forest Service Division.
- 3. When Required: Every development shall provide sufficient buffering when topographical or other barriers do not provide proper screening and when the Planning Commission determines that it is necessary to preserve a natural setting.

ARTICLE 8. WAIVERS

801 WAIVER FOR EXCEPTIONAL CONDITIONS

The Planning Commission, in concurrence with the Mayor & Council, may grant a waiver from the provisions of these regulations where:

1. Such waiver would not be contrary to the public interest in the judgment of the Planning Commission;
2. Owing to exceptional conditions of the land involved a literal enforcement of these regulations would result in unnecessary hardship; and
3. Such waiver would not have the effect of substantially impairing the purpose and intent of these regulations or the Comprehensive Plan of the Town of Sharpsburg.

In granting any waiver from the terms of these regulations, the Planning Commission may prescribe such conditions and safeguards as it shall deem necessary to fulfill the purpose and intent of these regulations. Violations of such conditions upon which any waiver is granted shall be deemed a violation of these regulations and punishable under the provisions of **Article 9**.

802 PROCEDURAL WAIVER

The Planning Commission, providing that the following requirements shall be met, may waive through a Procedural Waiver the requirements for the Preliminary Plat procedure:

1. The proposed subdivision involves the division of a lot, parcel or tract into four or fewer lots, parcels, or tracts; and
2. The lots, parcels, or tracts thus created each have frontage on an existing improved public road or roads; and
3. There is not created by the proposed subdivision any new road or roads.

ARTICLE 9. CONTROL, ENFORCEMENT & PENALTIES

901 SUBDIVISION CONTROL

It shall be unlawful for the owner of any land that lies within the subdivision control jurisdiction of Sharpsburg to subdivide any lot, tract, or parcel of land unless and until the following steps are completed:

- a) A plat of such subdivision is made in accordance with the regulations set forth herein;
 - b) Approval is secured thereof from The Planning Commission as provided herein; and
1. No land in a subdivision created after the adoption of this ordinance shall be transferred, sold, or offered for sale, nor shall a building permit be issued for a structure thereon until the Final Plat or such subdivision has been recorded in accordance with these regulations and until the improvements required in connection with the subdivision have either been constructed or guaranteed as herein after provided except that after approval of a Preliminary Plat, an application may offer such land for sale provided that the contract of sale shall be conditioned upon the approval and recordation of the Final Plat and that this condition is stated upon the contract of sale.
 2. No plat of any subdivision shall be recorded until it has been approved by the Planning Commission as provided herein and witnessed by the signature of the Chairperson; and the Chairperson shall not sign any plat unless he/she is satisfied that the requirements of these regulations have been complied with.
 3. The applicant shall cause copies of said plat to be recorded in the office of the Clerk of the Circuit Court of Washington County and proof thereof provided to the Town of Sharpsburg.

902 ENFORCEMENT

These regulations shall be enforced by the Development Administrator or designee. If he/she shall find that any of the provisions of these regulations are being violated, he/she shall notify in writing the person responsible for such violation and take such action as may be necessary to prevent the violation of these regulations, including obtaining a court injunction to discontinue the transfer, sale or negotiations for sale of illegal lots or parcels.

903 PENALTIES FOR VIOLATION

Whoever, being the owner or agent of the owner of any land located within the subdivision control jurisdiction of the Town of Sharpsburg transfers, sells, offers to sell, agrees to sell, or negotiates to sell, or otherwise conveys any such land be reference to, of exhibition of, or any other use of plat of a subdivision before such plat has been approved and recorded as required in

Article 901 hereof shall be guilty of a Municipal Infraction. Upon conviction thereof, the offender shall be subject to penalties as addressed in the Code of Sharpsburg, Article III, Section 1. The description of such lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties or from the remedies herein provided.

1. Violations by a landowner or his agent of requirements and restrictions, which the Planning Commission may impose as conditions for approval of a subdivision plat, shall constitute a Municipal Infraction. Any person convicted of such violation shall be subject to penalties as addressed in the Code of Sharpsburg, Article III, Section 1.