

**LAND SUBDIVISION REGULATIONS**

**for the**

**TOWN OF CHESAPEAKE BEACH**

**CALVERT COUNTY, MARYLAND**

**Adopted May 26, 1972**

REVISIONS:

<u>Date</u>	<u>Ordinance #</u>	<u>Section</u>
06/22/79		Section 806-C-4
05/25/84	#O-05-84	Section 700
02/28/86	#O-29-86	Sections 404-407, 409-410, 601, 609, 700-701, 803, 805-806, Appendixes A, D-F
11/21/86	#O-40-86	Section 407(b)
10/20/88	#O-11-88	Critical Area Amendments
06/25/89	#O-06-89	Section 800
12/20/90	#O-11-90	Section 511
09/04/91	#O-05-91	Impervious surface limitations in LDA and RCA in the critical area
11/10/93	#O-05-93	Add Forest Conservation
11/05/97	#O-08-97	Article 8 to add Section 808
04/08/98	#O-06-98	Section 701 – Guaranty
04/15/04	#O-03-04	Section 902-Fees
12/15/05	#O-05-16	Amending Section 407(b)

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## ARTICLE I - INTRODUCTION

### Section 100 Purpose

The purpose of these Regulations is to regulate and control the division of land within Chesapeake Beach, in order to promote the public health, safety, morals, and general welfare of the Town.

### Section 101 Intent

It is the general intent of these Regulations to regulate the division of land as to:

- (a) assure sites suitable for building purposes and human habitation, and to provide for the harmonious development of Chesapeake Beach;
- (b) coordinate existing streets with proposed streets;
- © insure adequate open space for traffic, recreation, light, and air;
- (d) further the orderly and appropriate development of land;
- (e) regulate the flow of traffic in the streets and highways; and
- (f) facilitate adequate provision for transportation, water, sewerage, schools, parks, and other public facilities.

### CRA 10/20/88

- (g) provide for substantial conformance to the land use management classifications and provisions relating thereto of the Town of Chesapeake Beach Comprehensive Plan and the Town of Chesapeake Beach Chesapeake Bay Critical Area Protection Program ("Town Critical Area Protection Program"); and

### CRA 10/20/88

- (h) provide for the protection of wetlands, streams, areas of steep slopes, highly erodible and other soils with development constraints, shorelines, and plant and wildlife habitats.

Section 102 Short Title

These regulations may be cited as the "Chesapeake Beach Subdivision Regulations."

Section 103 Jurisdictional and Interpretation

These Regulations shall apply to all land located within the incorporated area of Chesapeake Beach.

The provisions of these Regulations shall be held to be minimum requirements to meet the stated purpose and intent of these Regulations. Where the provisions of these Regulations impose greater restrictions than those of any statute, other regulations, or ordinance, the provisions of these Regulations shall prevail. Where the provisions of any statute, other regulations or ordinance impose greater restrictions than those of these Regulations, the provisions of such statute, regulation or ordinance shall prevail.

## ARTICLE II - DEFINITIONS

### Section 200 General

- (a) Unless a contrary intention clearly appears, the following words and phrases shall have, for the purpose of these Regulations, the meanings in the following clauses.
- (b) For the purpose of these Regulations, words and terms used herein shall be interpreted as follows:
  - (1) words used in the present tense include the future;
  - (2) the singular includes the plural;
  - (3) the word "person" includes a corporation, institution, partnership, and association as well as the individual;
  - (4) the word "lot" includes the word "plot" or "parcel";
  - (5) the word "Commission" and the words "Planning and Zoning Commission" always means the Chesapeake Beach Planning and Zoning Commission;
  - (6) the word "Council" and the words "Town Council" shall always mean the Chesapeake Beach Town Council;
  - (7) the word "County" shall always mean Calvert County;
  - (8) the word "Town" shall always mean the Town of Chesapeake Beach;
  - (9) the word "Administrator" shall always mean the Public Works Administrator.
- © Any word or term not defined herein shall be used with a meaning of standard usage.

### Section 201 Alley

A minor way which is used primarily for vehicular service access to the back or the side of properties otherwise abutting a street.

Section 202 Applicant

Any person who submits to the Town Council and the Planning and Zoning Commission subdivision plans for the purpose of obtaining approval thereof.

Section 203 Building

A structure having a roof which is used or intended to be used for the shelter or enclosure of persons, animals, or property. The word "building" shall include any part thereof.

Section 204 Building Setback Line

The rear line of the minimum required front yards. The building setback line shall be measured from the future right-of-way line.

Section 205 Easement

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

Section 206 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.

Section 207 Lot

A parcel of land used or set aside and available for use as the site of one or more buildings and buildings accessory thereto or for any other purpose, in one ownership and not divided by a street nor including any land within the limits of a public or private street right-of-way.

Section 208 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 for another 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 the final plan is to be separate and distinct from lots or parcels adjoining such right-of-way, and not included with the dimensions or areas of such lots or parcels.

Section 209 Right-Of-Way - Future

- (a) The right-of-way width required for the expansion of existing streets to accommodate anticipated future traffic loads.
- (b) A right-of-way established to provide future access to or through undeveloped land.

Section 210 Street

A public or private way used or intended to be used for passage or travel by automotive vehicles and pedestrians and to provide access to abutting properties.

Section 211 Street Line

The dividing line between the street and the lot. The street line shall be the same as the legal right-of-way line provided that where a future right-of-way width for a street has been officially established, the street line shall be the side of the future right-of-way so established.

Section 212 Subdivision

- (a) The division of a single lot, tract, or parcel of land or part thereof into two (2) or more lots, tracts, or parcels of land for the purpose, whether immediate or future, or transfer of ownership or of building development.
- (b) The term "subdivision" includes resubdivision and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided.

Section 213 Subdivision, Minor

The division of a single lot, tract or parcel of land into four (4) or fewer lots, tracts, or parcels of land for the purpose, whether immediate or future, of transfer ownership or of building development, provided the proposed lots, tracts, or parcels of land thereby created have frontage on an improved public street or streets, and providing further that there is not created by the subdivision any new street or streets.

Section 214 Critical Area Definitions (CRA 10/20/88)

Definitions applicable to terms not already contained herein shall be the same as those contained in the Chesapeake Bay Critical Area Criteria, COMAR Section 14.15.01.

**"Afforestation"** means the establishment of a tree crop on an area from which it has always or very long been absent, or the planting of open areas that are not presently in forest cover.

**"Anadromous fish"** means fish that travel upstream (from their primary habitat in the ocean) to freshwater in order to spawn.

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

**"Buffer"** (spelled with a capital B) means a naturally vegetated area or vegetated area established or managed to protect aquatic, wetland shoreline, and terrestrial environments from man-made disturbances. In the Critical Area, the minimum Buffer is a continuous area located immediately landward of tidal waters (measured from the Mean High Water Line), tributary streams in the Critical Area, and tidal wetlands and has a minimum width of one hundred (100) feet. The Buffer shall be expanded beyond the minimum width to include certain sensitive areas as per requirements established in the Zoning Ordinance. The Buffer will also be expanded ten (10) feet beyond the minimum width in conjunction with all development activities to provide a building restriction line, to provide pollution and sediment control, and to prevent incidental grading in the Buffer.

**"Community piers"** means boat docking facilities associated with subdivisions and similar residential areas, and with condominium, apartment, and other multiple-family dwelling units. Private individual piers are excluded from this definition.

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

**"Critical Area"** means all lands and waters defined in Section 8-1807 of the Natural Resources Article, Annotated Code of Maryland, including:

- (a) All waters of and lands under the Chesapeake Bay and its tributaries to the head of the tide as indicated on the state wetlands maps, and all state and private wetlands designated under Title 9 of the Natural Resources Article, Annotated Code of Maryland;
- (b) All land and water areas within one thousand (1,000) feet of the landward boundaries of State or private wetlands and the heads of tides designated under Title 9 of the Natural Resources Article, Annotated Code of Maryland; and
- © Modification to these areas through inclusions or exclusions proposed by Chesapeake Beach and approved by the Critical Area Commission as specified in Section 8-1807 of the Natural Resources Article, Annotated Code of Maryland.

**"Critical Area Commission"** means the Maryland Chesapeake Bay Critical Area Commission.

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

**"Developed woodlands"** means an area or areas one (1) acre or more in size that predominantly contain trees and natural vegetation and that also include residential, commercial, or industrial structures and uses.

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

**"Development pad"** means the area of a lot, within a larger overall lot area, that is devoted to structures and septic systems. In general, where a development pad is prescribed, the remaining area of the lot must be maintained in natural vegetation.

**"Drainageways"** are defined as minor watercourses that are defined either by soil type or by the presence of intermittent or perennial streams of topography that indicates a swale where surface sheet flows join, including: the land, except where areas are designated as floodplain, on either side of and within fifty (50) feet of the centerline of any intermittent or perennial stream

shown on the U.S. Geological Service's 7.5 Quadrangle sheets covering the incorporated areas of Chesapeake Beach.

**"Environmental Assessment"** means a comprehensive report that describes the natural features and characteristics of a proposed development site, the changes that will occur as the result of proposed development activities on the site, the anticipated environmental impacts and consequences of the proposed development, and mitigation measures to be taken to minimize undesirable impacts to the environment.

**"Exclusion"** means an act of the Town Council approved by the Critical Area Commission, that excepts an area of Chesapeake Beach from the Zoning Ordinance and Subdivision Regulations applicable only to the Critical Area.

**"Exemption"** means an act of the Town Council approved by the Critical Area Commission, that relieves an area of Chesapeake Beach from the Buffer provisions of the Critical Area.

**"Fisheries activities"** means commercial water-dependent fisheries facilities including structures for the packing, processing, canning, or freezing of finfish, crustaceans, mollusks, and amphibians and reptiles and also including related activities such as wholesale and retail sales, product storage facilities, crab shedding, off-loading docks, shellfish culture operations, and shore-based facilities necessary for aquaculture operations.

**"Forest"** means a biological community dominated by trees and other woody plants covering a land area of one (1) acre or more. This also includes forests that have been cut but not cleared.

**"Forest management"** means the protection, manipulation, and utilization of the forest to provide multiple benefits, such as timber harvesting, wildlife habitat, etc.

**"Forest practice"** means the alteration of the forest either through tree removal or replacement in order to improve the timber, wildlife, recreational, or water quality values.

**"Grandfathered"** describes the status accorded certain properties and development activities that are of record prior to the date of adoption of these Subdivision Regulations.

**"Growth Allocation"** means:

- (a) An area of land calculated as five percent (5%) of the total Resource Conservation Area of Calvert County, including Chesapeake Beach (excluding tidal wetlands and federally owned land), that the Town may convert to more intense land use management classification to accommodate land development; and
- (b) An act of the Town Council, approved by the Critical Area Commission, and pursuant to agreement between Calvert County and the Town, that provides for conversion of a property or properties located in Resource Conservation Areas (RCAs) and/or Limited Development Areas (LDAs) in the Critical Area District to another land use management classification that allows an increase in the permitted density.

**"Highly erodible soils"** means soils with a slope greater than fifteen percent (15%) or soils with a K value greater than 0.35 and slopes greater than five percent (5%).

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

**"Land clearing"** means any activity that removes the vegetative ground cover.

**"Marina"** means any facility for the mooring, berthing, storing, or securing of watercraft, but not including community piers, private or individual piers, and other non-commercial boat docking and storage facilities.

**"Mean High Water Line"** means the average level of high tides at a given location.

**"Natural features"** means components and processes present in or produced by nature, including but not limited to soil types, geology, slopes, vegetation, surface water, drainage patterns, aquifer, recharge areas, climate, flood plains, aquatic life, and wildlife.

**"Natural Vegetation"** means plant communities that develop in the absence of human activities.

**"Non-tidal wetlands"** refers to lands in the Critical Area (excluding tidal wetlands regulated under Title 9 of Natural Resources Article, Annotated Code of Maryland), farm ponds, and other man-made bodies of water whose purpose

is to impound water for agriculture, water supply, recreation, or waterfowl habitat where the water table is usually at or near the surface, or lands where the soil or substrate is covered by shallow water at some time during the growing season, and that are usually characterized by one or both of the following:

- (a) At least periodically, the lands support predominantly hydrophytic vegetation; and/or
- (b) The substrate is predominantly undrained hydric soils.

**"Offsets"** means structures or actions that compensate for undesirable impacts.

**"Open space"** means land and water areas retained for use as active or passive recreation areas in an essentially underdeveloped state.

**"Open water"** means tidal waters of the State that do not contain tidal wetlands and/or submerged aquatic vegetation.

**"Physiographic features"** means the soils, topography, land slope and aspect, and local climate that influence the form and species composition of plant communities.

**"Redevelopment"** means the process of substantially altering previously developed property, by the improvement or alteration of the property in a manner that increases the value of the property by more than fifty percent (50%) or that increases the total impervious area of the property by more than twenty-five percent (25%).

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

**"Shore Erosion Control Measures"** mean any number of structural and nonstructural methods or techniques for controlling the erosion of shoreline areas. More specifically the term refers to:

- (a) Nonstructural - Creation of an intertidal march fringe channelward of the existing bank by one of the following methods:
  - (1) Vegetation--Planting an existing shore with a wide band of vegetation;

- (2) Bank Sloping/Vegetation--Sloping and planting a non-wooded bank to manage tidal water contact, using structures to contain sloped materials if necessary; and
  - (3) Contained Beach--Filling along shore with sandy materials, grading, and containing the new beach to eliminate tidal water contact with the bank.
- (b) Structural:
- (1) Revetment--Facing laid on a sloping shore to reduce wave energy and contain shore materials;
  - (2) Bulkhead--Excluded due to adverse impacts to the near-shore marine environment, except in the following special cases:
    - (a) Where erosion impact is severe and high bluffs and/or dense woodland preclude land access, bulkheads can be installed by shallow-draft barge and pile driver; and
    - (b) In narrow, man-made lagoons for activities that require frequent interchange between boats and land.

**"Soil Conservation and Water Quality Plans"** means land-use plans for farms that show farmers how to make the best possible use of their soil and water resources while protecting and conserving those resources for the future. A plan is a document containing a map and related plans that indicate:

- (a) How the landowner plans to treat a farm unit;
- (b) Which Best Management Practices the land owner plans to install to treat undesirable conditions; and
- © The schedule for applying Best Management Practices.

**"Steep slopes"** means slopes of fifteen percent (15%) or greater incline.

**"Tidal wetlands"** means State wetlands that are defined as any land under the navigable waters of the State below the Mean High Water Line, affected by the regular rise and fall of tide, and private wetlands that are defined as any land not considered 'State wetlands' bordering or lying beneath tidal waters, that are subject to regular or periodic tidal action and support aquatic

growth. Private wetlands includes wetlands transferred by the State by a valid grant, lease, patent, or grant confirmed by Article 5 of the Declaration of Rights of the Constitution to the extent of the interest transferred. The term "regular or periodic tidal action" means the rise and fall of the sea produced by the attraction of the sun and moon, not influenced by the wind or any other circumstance.

**"Topography"** means the existing configuration of the earth's surface including the relative relief, elevations, and position of land features.

**"Tributary streams"** means perennial and intermittent streams in the Critical Area that are so noted on the most recent U.S. Geological Survey 7.5' topographic quadrangle maps (scale 1:24,000) or on more detailed maps or studies.

**"Water-dependent facilities"** means structures or works associated with industrial, maritime, recreational, educational, or fisheries activities that require location at or near the shoreline within the Buffer.

**"Water Compound"** means a body of water such as a pond or lake confined by a dam, dike, or floodgates or other man-made barrier that:

- (a) Captures drainage from an area in excess of six hundred forty (640) acres; or
- (b) Has a normal depth of water greater than fifteen (15) feet; or
- © Has a normal surface area of water in excess of twelve (12) acres

**"Wildlife corridor"** means a strip of land having vegetation that provides habitat and a safe passageway for wildlife.

## ARTICLE III - CONTROL AND PENALTIES

### Section 300 Subdivision Control

It shall be unlawful for the owner of any land within the jurisdiction of the Town to which these Regulations may apply, or any other person, firm, or corporation, to subdivide any lot, tract, or parcel of land, or layout, construct, open or dedicate for public use or travel, any street, sanitary sewer, storm sewer, drainage facilities, or other facilities in connection therewith, or for the common use of occupants of buildings within the subdivision, unless and until:

- (a) a plat of such subdivision is caused to be made in accordance with the regulations set forth herein and in Section 5.01 through 5.08 of Article 66B of the Annotated Code of Maryland, as amended;
- (b) approval is secured thereof from the Planning and Zoning Commission as provided herein; and
- © said Commission has caused copies of said plat to be recorded in the office of the Clerk of the Court.

### Section 301 Plat Approval Required

No plat of any subdivision shall be recorded until it shall have been submitted to and approved by the Planning and Zoning Commission as provided herein.

### Section 302 Transfer of Land - Issuance of Building Permits

- (a) no land in a subdivision created after the adoption of these Regulations shall be transferred, sold, or offered for sale, nor shall a building permit be issued for a structure thereon, until a Final Plat of such subdivision shall have been recorded in accordance with these Regulations and the provisions of the State, and until the municipal improvements required in connection with the subdivision have either been constructed or guaranteed as hereinafter provided.

- (b) no building depending upon public water and sewerage facilities shall be permitted to be occupied before such facilities are fully provided and operational.

Section 303 Penalty

Any person who violates these Regulations shall be subject to the penalties prescribed in the Annotated Code of Maryland.

## ARTICLE IV - PROCEDURE

### Section 400A      Introduction (CRA 10/20/88)

The procedures hereinafter specified provide not only for the conditional approval of a preliminary plat and approval of a final plat, but also for a pre-application tentative sketch plan. The tentative sketch plan procedure is optional to the applicant and is not a pre-requisite to the approval of the final plat. However, this optional procedure is strongly recommended because it provides the applicant with an opportunity to resolve problems early in the proceedings and to make necessary modifications and revisions prior to incurring the expense of preparing a preliminary and final plat.

### Section 400B      Planning and Zoning Commission (CRA 10/20/88)

The Planning and Zoning Commission shall have the following powers and duties:

- (1) Review, evaluate, and approve or disapprove plans for subdivisions in accordance with these Subdivision Regulations;
- (2) Review and make recommendations to the Town Council regarding:
  - (a) Proposed amendments to the Town Critical Area Protection Program and Critical Area District Map.
  - (b) Proposed changes or amendments to the Town Comprehensive Plan.
  - © Proposed changes or amendments to the Town Zoning Ordinance.
  - (d) Proposed changes or amendments to the Town Subdivision Regulations.
  - (e) Proposed changes or amendments to the Town Road Ordinance.
  - (f) Proposed changes or amendments to the Town Water and Sewer Policy Manual.

- (g) Proposed changes or amendments to the Town Stormwater Management Ordinance.
- (h) Proposed changes or amendments to the Town Soil Erosion Control Ordinance.
- (i) Proposed acquisition and development of lands for open space or recreational purposes.
- (j) Proposed designation of historic sites or districts.
- (k) Proposed changes in land use management classifications or development arising from State or Federal programs or policies.

## **PART A. TENTATIVE SKETCH PLAN**

### Section 401 Purpose

The purpose of the "Tentative Sketch Plan" is to afford the applicant the opportunity to consult early and informally with the Town Engineer, Public Works Administrator, and Planning and Zoning Commission before preparation of the preliminary plat and formal application for approval.

During the "Tentative Sketch Plan" procedure, the applicant can advantageously make use of the services of the administrative personnel of the Town as well as the Planning and Zoning Commission to help him analyze the problem of the development and plan more adequately for its sound coordination with the community. This procedure also affords Town administrative personnel and the Planning and Zoning Commission the opportunity to give informal guidance to the applicant at a stage when potential points of difference can be more easily resolved. It can also simplify official actions and save unnecessary expense and delay.

(CRA 10/20/88)

The review by the Planning Commission of the Tentative Sketch Plan does not infer any special status on the Tentative Sketch Plan, nor does it guarantee subsequent approvals (i.e., preliminary or final plat approvals), but is only to allow the applicant to determine feasibility of his project prior to incurring extensive costs for surveys and engineering and to determine the maximum density allowable on the parcel.

Section 402 Procedure

- (a) Applicant prepares sketch plan.
- (b) Applicant submits twenty-five (25) copies of the sketch plan and application to the Public Works Administrator.
- © The Administrator checks submission against a checklist for completeness; and
  - (1) if submission is incomplete, immediately returns submission to applicant and indicates deficiencies; or
  - (2) if submission is complete, accepts sketch plan and application.
- (d) The Administrator shall immediately distribute copies of the sketch plan and application to:
  - (1) Town Council - - - - -one (1)
  - (2) Planning and Zoning Commission - - - - - seven (7)
  - (3) Town Engineer- - - - -one (1)
  - (4) Calvert County Planning and Zoning Commission - five (5)
  - (5) One (1) copy shall be retained for the Town files.
  - (6) Ten (10) copies shall be provided for all other reviewing agencies.
- (e) At the first regular meeting held fifteen (15) days following receipt of the complete submission by the Administrator, the Planning and Zoning Commission:
  - (1) receives and reviews the applicant's submission;
  - (2) receives and reviews reports by the Town Engineer;
  - (3) hears applicant's presentation; and
  - (4) discusses submission with the applicant.

- (f) The Planning and Zoning Commission either the same evening or at least within one (1) month following the receipt of the applicant's submission by the Commission shall:
  - (1) evaluate applicant's submission, presentation, discussion with applicant, and Town Engineer's report;
  - (2) determine whether the sketch plan meets the objectives and requirements of the "Land Subdivision Regulations" and other regulations and ordinances; and
  - (3) inform the applicant in writing the decision, including required changes in the sketch plan and the reasons for the decision.

## **PART B. PRELIMINARY PLAT**

### Section 403 Purpose

The purpose of the preliminary plat is to require formal conditional approval in order to minimize changes and revisions before a final plat is submitted.

### Section 404 General

A preliminary plat and all information and procedures relating thereto shall in all respects be in compliance with the provisions of these Regulations, except where variation therefrom may be specifically authorized in writing by the Planning and Zoning Commission.

#### Procedure

- (a) applicant prepares preliminary plat and application;
- (b) applicant submits twenty-five (25) copies of the preliminary plat with topography and application to the Public Works Administrator;
- © administrator checks submission against checklist for completeness; and

- (1) if submission is incomplete, immediately returns submission to applicant and indicates deficiencies;
  - (2) if submission is complete, accepts preliminary plat, application and fees.
- (d) administrator shall immediately distribute copies of the preliminary plat and application to:
- (1) Planning and Zoning Commission - seven (7)
  - (2) Calvert County Planning Director - five (5)

(CRA 10/20/88)

- (e) at first regular meeting following receipt of the County and State agencies' advisory opinion, the Planning and Zoning Commission:
- (1) will check the Preliminary Plat as to its substantial conformity with the Town Comprehensive Plan and the Town Critical Area Protection Program, as applicable; the requirements of the Zoning Ordinance and these Subdivision Regulations, including the intent and purpose of the Ordinances; and the recommendations of Calvert County departments and agencies and other federal and state agencies. Incomplete plats or those lacking the required information shall be returned to the applicant for completion and subsequent resubmission.
  - (2) shall review the Preliminary Plat and evaluate the applicant's submission, presentation, and County, State and Federal department and agency reports with regard to substantial conformance with the land use management classifications and provisions relating thereto of the Town Comprehensive Plan and provisions of the Town Critical Area Protection Program, where applicable.
- (f) The Planning and Zoning Commission, either the same evening or at least within one (1) month following that meeting, the Commission shall:
- (1) evaluate applicant's submission presentation, discussion with the applicant, and the County and State agencies' reports;

- (2) determine whether the preliminary plat meets the objectives and requirements of the "Land Subdivision Regulations" and other regulations and ordinances; and
- (3) inform the applicant in writing the decision including required changes in the preliminary plan and the reasons for the decision.

(CRA 10/20/88)

- (g) conditional approval of a Preliminary Plat shall state the conditions or modifications necessary to satisfy the requirements of these Regulations, and the actual approval of the Preliminary Plat shall not be made until such conditions have been satisfied.

(CRA 10/20/88)

- (h) preliminary Plat approval shall be valid for a period of one (1) year from the date of Planning and Zoning Commission approval. The approval of a Final Plat by the Planning and Zoning Commission shall extend the Preliminary Plat approval for an additional one (1) year period from the date of said approval. If a Final Plat is not approved during the period, then the developer may request an extension in accordance with Section 407(b).

## **PART C. FINAL SUBMISSION**

### Section 405 Purpose

The purpose of the final submission is to require formal approval by the Planning and Zoning Commission before plats for all subdivisions are recorded as required by Section 300 of these Regulations. The purpose of the Revised Preliminary Plat and/or Improvement Drawings is to both demonstrate compliance with the conditions of Preliminary Approval as set forth in Section 404 and to provide sufficient detailed information to obtain County and Town permits for construction.

### Section 406 General

The final submission shall consist of a Final Plat, Revised Preliminary Plats and/or Improvement drawings all of which shall conform to the appropriate checklist in the Appendix. Preliminary and final plat procedures may be executed simultaneously in the case of minor subdivision plats.

Section 407 Procedure - Final Submission

- (a) applicant prepares final submission and application;
- (b) **(Amended 12/15/05)** the applicant for final plat approval shall submit a final plat, the revised preliminary plat and/or improvement drawings, and an application for final approval. Except as provided below, the applicant shall submit such materials within three (3) years from the date of receiving conditional approval of a preliminary plat.
  - 1. Extension. The applicant may request from the Planning and Zoning Commission, an extension of up to one (1) year to the required submission date of the final plat approval of a conditional preliminary plat approval so long as the extension request is made within the three year period set forth above.
  - 2. Phased Projects. The three year requirement for final submissions may be waived by the Planning & Zoning Commission for projects for which final plat submission is to be phased according to a phased development plan, by adopting a phase submission plan setting forth the required submission dates for the final plat of each phase. The Planning & Zoning Commission may authorize the phasing of final plat submission deadlines at the time of conditional preliminary plat approval, preliminary plat approval, or within the three-year submission requirement of a conditional preliminary plat approval. The phased submission plan may be amended only by a resolution of the Planning & Zoning Commission.
  - 3. Grandfathering. The three-year submission requirement shall replace the prior one-year requirement for all conditional preliminary plats, regardless of when they were initially approved or of any prior extensions granted by the Planning and Zoning Commission.
  - 4. Number of Copies. When submitting a final plat package, the applicant shall provide 6 mylar originals, which shall already be signed by the surveyor, owner and health officer. Upon the Chairman of the Planning

& Zoning Commission signing the 6 mylar plats, the Applicant must pick up one from Town Hall and thereafter make 15 printed copies (unless it is located within the Critical Area, then 17) and then return the mylar and printed copies to Town Hall within 30 days of having obtained the signed mylar.

- (c) The Administrator checks submission against checklists for completeness; and
  - (1) if submission is incomplete, immediately returns submission to applicant and indicates deficiencies; or
  - (2) if submission is complete, accepts same and application.
- (d) The Administrator shall immediately distribute copies of the final submission to:
  - (1) Planning and Zoning Commission - two (2) copies
  - (2) Calvert County Planning Director - Reproducible and one (1) copy
- (e) At first regular meeting following receipt of the complete submission to the Administrator and return of the submission as reviewed by the County Planning Director, the Planning and Zoning Commission:
  - (1) receives and reviews the applicant's submission;
  - (2) hears applicant's presentation, if applicable; and
  - (3) discusses submission with the applicant.
- (f) The Planning and Zoning Commission, either the same evening or within one (1) month following that meeting the Commission shall:
  - (1) evaluate applicant's submission, presentation, discussion with applicant;
  - (2) determine whether the final submission meets the objectives and requirements of the "Land Subdivision Regulations" and other regulations and ordinances; and

- (3) inform the applicant in writing the decision, including required changes and the reasons for the decision.
- (g) if approved:
  - (1) the Planning and Zoning Commission shall adopt a resolution approving the final submission
  - (2) approval shall not be final until entry into contract and production of completion guarantee as set forth in Article VII; and
  - (3) three (3) exact mylar copies and 11 blueprint copies of the approved final plat with required signatures as specified in Section VIII, shall be submitted to the Planning and Zoning Commission.
- (h) The Planning and Zoning Commission shall then file two (2) mylars for record with the Clerk of the Court, Calvert County, and shall distribute other prints to official agencies as may be required.

Section 408 Effect of Recording

- (a) streets, parks, and other public improvements shown on a subdivision plat to be recorded may be offered for dedication to the Town by formal notation thereof on the plat, or the owner may note on the plat that such improvements have not been offered for dedication to the Town.
- (b) recording of the final plat by the Planning and Zoning Commission shall not be deemed to constitute or effect an acceptance by the public of the dedication of any street or other proposed public park or improvement shown on said plat, but improvements so noted for dedication may be accepted by the public through any subsequent appropriate act.

**PART D. ACCEPTANCE OF STREETS AND IMPROVEMENTS BY THE TOWN**

Section 409 Preliminary Inspection

- (a) the applicant shall notify the Town/County Engineer of the completion of the required improvements.
- (b) the Town/County Engineer shall:
  - (1) inspect the completed required improvements; and
  - (2) submit in writing a report to the Town Council specifying those times of construction, material and workmanship which do not comply with the Town specifications or the approved final plat.
- © the applicant upon notification from the Town/County Engineer shall:
  - (1) proceed, at his own cost, to make such corrections as shall be required to comply with the Town specifications and approved final plats; and
  - (2) notify the Town/County Engineer and Town Council upon completion, requesting final inspection.

#### Section 410 Final Inspection

The Town Council and Town/County Engineer shall make a final inspection with the applicant of all required improvements.

#### Section 411 Acceptance

If improvements are to be accepted by the Town, the Town Council shall notify the applicant of acceptance of the required improvements if satisfied that the applicant has complied with all specifications and ordinances of the Town.

## ARTICLE V - DESIGN STANDARDS

### Section 500 Application

- (a) The standards and requirements outlined herein shall be considered minimum standards and requirements for the promotion of the public health, safety, morals, and general welfare.
- (b) Where literal compliance with the standards herein specified is clearly impractical, the Planning and Zoning Commission may modify or adjust the standards to permit reasonable utilization of property while securing substantial conformance with the objectives of these Regulations.

(CRA 10/20/88)

- © The subdivision layout shall be in conformance with the Comprehensive Plan and the Zoning Ordinance as adopted or amended by the Town Council from time to time and shall be of such character that it protects the health, safety, and general welfare of the Town and its residents. Subdivision layout in the Town Critical Area District shall, in addition to the above, conform to the Town Critical Area Protection Program and be of such character that it protects water quality and plant and wildlife habitat.

### Section 501 General

- (a) All portions of a tract being subdivided shall be taken up in lots, streets, public lands, or other proposed uses, so that remnants and landlocked areas shall not be created.
- (b) Where trees, groves, waterways, scenic points, historic spots, or other Town assets and landmarks are located within a proposed subdivision, every possible means shall be provided to preserve these features.
- © Land subject to flooding or property and land deemed to be topographically unsuitable shall not be subdivided or developed for residential occupancy or for such other uses as may endanger health, life, or property, or aggravate erosion or flood hazards until all such hazards have been eliminated or unless adequate safeguards against such hazards are provided by the final plats,

Such land within a subdivision shall be set aside on the plat for uses that will not be endangered by periodic or occasional inundation or will not produce unsatisfactory living conditions.

Section 502 Streets - General

- (a) The arrangement, character, extent, grade, and location of all streets shall conform to the Chesapeake Beach Highway Plan of current adoption 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) Proposed streets shall further conform to State plans for streets and highways as have been prepared.
- © Where such is not in the Town Highway Plan, proposed streets shall be continuous and in alignment with existing, planned, or platted streets with which they are to connect.
- (d) Residential streets shall be so laid out that their use by through traffic will be discouraged.
- (e) Streets that are extensions of or obviously in alignment with existing streets shall bear the names of existing streets.
- (f) If a portion of a tract is not subdivided, suitable access to street openings for eventual subdivision of the entire tract shall be provided.
- (g) Where stub streets are provided abutting unsubdivided acreage, temporary easements for turn-arounds shall be provided at the boundary lines.
- (h) With approval of the Town Council, private streets and access ways may be retained in private ownership. Such private streets or access ways, shall however, meet minimum specifications and design standards of the regulations.
- (l) Alleys are prohibited in developments of single family detached residences.

Section 503 Street Standards

- (a) Where a subdivision abuts or contains an existing street of inadequate right-of-way width, a right-of-way width as required by the "Chesapeake Beach Specifications and Design Standards for Roads, Streets and Improvements" (See Appendix A) shall be indicated on the plat and offered for dedication.
- (b) Minimum right-of-way, horizontal alignment, vertical alignment, sight distance, curbs, curb radii, offsets, and street grades shall be in accordance with the "Chesapeake Beach Specifications and Design Standards for Roads, Streets and Improvements." (See Appendix A)

Section 504 Street Intersections

- (a) Multiple intersections including junction of more than two (2) streets shall be avoided.
- (b) Streets shall be laid out to intersect as nearly as possible at right angles. No street shall intersect another street at an angle of less than sixty (60) degrees.

Section 505 Blocks

- (a) Whenever practicable, blocks shall be of such width as to provide two (2) tiers of lots.
- (b) Pedestrian crosswalks shall be required where deemed essential to provide circulation or access to schools, parks, and other community facilities.

Section 506 Lots

- (a) All lots shall abut on a street.
- (b) In general, side lot lines shall be at right angles or radial to the street line.
- © Lots excessively deep in relation to width, or lots excessively irregular in shape are to be avoided. A proportion of two and one-half (2 ½) in depth to one (1) in width shall be considered a proper maximum.

Section 507 Street Signs

All street signs shall be provided and constructed in accordance with the "Chesapeake Beach Specifications and Design Standards for Roads, Streets, and Improvements." (See Appendix A)

Section 508 Storm Sewerage System

All storm sewerage systems shall be provided and constructed in accordance with the "Chesapeake Beach Specifications and Design Standards for Roads, Streets and Improvements." (See Appendix A)

Section 509 Public Sanitary Sewers and Public Water Supply

All public sanitary sewerage and public water supply systems shall be provided and constructed in accordance with the "Chesapeake Beach Specifications and Design Standard for Roads, Streets and Improvements." (See Appendix A)

Section 510 Sidewalks

All sidewalks shall be provided and constructed in accordance with the "Chesapeake Beach Specifications and Design Standards for Roads, Streets and Improvements." (See Appendix A)

Section 511 Design Standards In The Critical Area District (CRA 10/20/88)  
(amended 12/20/90)

In addition to other provisions of the Town Zoning Ordinance and Subdivision Regulations the following will apply to all subdivision of land located within the Town of Chesapeake Beach Critical Area District.

- a. The Buffer
  - (1) Where a tract of land bordering tidal water, wetlands, or tributary streams in the Critical Area District is to be subdivided and a Buffer exemption has not been granted by the Critical Area Commission, a Buffer of at least one hundred (100) feet shall be established in natural vegetation (except areas of the Buffer that are planted in native vegetation where necessary to protect, stabilize, or enhance the shoreline). No development including septic systems, impervious surfaces, parking areas, roads, or structures are permitted in the Buffer, except as may be necessarily associated with water dependent facilities in accordance with the Zoning Ordinance.

- (2) If the lot ownership extends to the water, wetlands, or streambed, then the Buffer shall be included in the required setback distance for building on that lot. The Buffer shall be expanded by ten (10) feet for a building restriction line, unless otherwise established on a project by project basis. Where the Buffer is to be owned and maintained by a home owners association or similar appropriate organization, the required setback distance shall be measured from the property line separating that lot from the designated Buffer. This Buffer, when not included in the lots, may be included in the calculating gross density.
- (3) The Buffer shall be extended according to the following rules:
  - (a) In the case of contiguous steep slopes of greater than fifteen percent (15%) or more incline, the Buffer shall be expanded four (4) feet for every one percent (1%) of slope, or to the top of the slope, whichever is greater.
  - (b) Where the site of the proposed land disturbance drains to the Buffer not fully covered by forest or developed woodland, the Buffer shall be extended to the upland limit of the adjacent hydric soils, soils with hydric properties, and erodible soils.
  - © The applicant may provide afforestation in the Buffer as an alternative to extending the Buffer to include hydric soils, soils with hydric properties, and erodible soils, provided that no area of hydric soils is classified as a non-tidal wetland. Afforestation must be in accordance with Article IV, Section 406 - 7(f) of the Town Zoning Ordinance.
- (4) All roads, bridges, lots, and other development that cross or are located adjacent to tributary streams in the Critical Area District shall not be located in the Buffer and shall further:
  - (a) Be designed in a manner to reduce increases in flood frequency and severity.

- (b) Provide for the retention of natural streambed substrate.
- © Minimize adverse impacts to water quality and stormwater runoff.
- (d) Retain existing tree canopy in the Buffer adjacent to tributary streams so as to maintain stream water temperature with normal variations.
- (5) Cutting or clearing of trees within the Buffer shall be prohibited except as follows:
  - (a) Commercial cutting of trees or clear cutting is limited to selective Loblolly Pine and Tulip Poplar to within fifty (50) feet of the landward edge of the Mean High Water Line of tidal waters, perennial tributary streams and tidal wetlands;
  - (b) Commercial harvesting is prohibited in the Habitat Protection Areas;
  - (c) Commercial harvesting shall be conducted in conformance with a Buffer Management Plan prepared by a registered professional forester and approved by the Maryland Forest, Park and Wildlife Service. The Plan shall be required for all commercial harvests and shall contain the following minimum requirements:
    - (i) Disturbance to stream banks and shorelines shall be avoided; and
    - (ii) Disturbed areas shall be replanted, or allowed to regenerate in a manner that assures the availability of cover and breeding sites for wildlife, and the disturbed area shall reestablish the wildlife corridor function of the Buffer; and
    - (iii) The harvesting shall not involve the creation of logging roads and skid trails within the Buffer.
  - (d) Non-commercial cutting and clearing of trees within the Buffer is permitted for the following purposes:

- (i) Cutting of trees or removal of natural vegetation may be permitted where necessary to provide access to private piers, or to install or construct a shore erosion protective device or measure, or a water-dependent facility, providing, however, that the structures or facilities have been permitted by appropriate State and federal agencies; and
  - (ii) Individual trees may be cut for personal use providing that the Buffer functions are not impaired and all trees are replaced on an equal basis for each tree cut; and
  - (iii) Individual trees may be removed which are in danger of falling and causing damage to dwellings or other structures, or which are in danger of falling and thereby causing blockage of streams or accelerated shore erosion;
  - (iv) The health of individual trees may be maintained by the use of horticultural practices;
  - (v) Other cutting techniques within the Buffer may be used if necessary to preserve the forest from extensive pest or disease infestation or threat of fire, provided, however, that such techniques are used pursuant to the advice and guidance of the Departments of Agriculture and Natural Resources.
- (6) No clearing or grading is permitted in the Buffer (nor on steep slopes and hydric or highly erodible soils) other than for permitted agricultural activities or permitted commercial or non-commercial forestry practices. All such clearing or grading must be in accordance with an approved grading permit.

b. Rare Species and Habitat Protection Areas.

- (1) All subdivisions in the Critical Area District shall be subject to the Rare Species Protection Plan (Section II of Program

9) and the Plant and Wildlife Habitat Protection Plan (Plan 4 of Program 9), (the "Habitat Protection Program") prescribed in the Town Critical Area Protection Program.

- (2) The subdivision shall be designed to assure those plant and wildlife areas identified as Habitat Protection Areas are afforded protection as prescribed in the criteria and guidelines in the Rare Species Protection Plan and the Habitat Protection Program.
- (3) If the proposed development activity will occur within or adjacent to the Rare Species Habitat Protection Areas, the developer must contact the Maryland Natural Heritage Program for assistance in establishing species/site specific protection measures. The following requirements must be met:
  - (a) The developer shall designate protection areas around the essential habitat of the Rare Species. Development activities or other disturbances shall be prohibited in the protection area, unless it can be shown that these activities or disturbances will not have or cause adverse impact on the habitat. The protection area designation will be made with input from the Maryland Natural Heritage Program and the Maryland Forest, Park and Wildlife Service.
  - (b) The developer shall implement design strategies that work to protect the Rare Species and essential habitat. These strategies should include (but are not limited to) restrictions on siting of structures, use of cluster design, establishment of undisturbed open space areas, restrictive covenants, and restrictions on noise levels and timing of construction activities.
- (4) With respect to all Habitat Protection Areas, the following requirements must be met:
  - (a) The developer must identify areas of riparian habitat and large forested areas.
  - (b) A trained professional experienced in ornithology and standardized biological survey techniques must determine the presence of interior dwelling bird

habitat, unless the Maryland Forest, Park and Wildlife Service has already determined that such habitat is not present on the property. Survey results must be reviewed and approved by the Maryland Forest, Park and Wildlife Service.

- (c) A plan must be developed to insure that riparian areas and large forested areas supporting interior dwelling species are protected and conserved. The objective of the plan must be to protect wildlife that inhabit or use these areas. The developer must submit a plan prepared in conjunction with the Maryland Forest, Park and Wildlife Service and technical assistance from the Bay Watershed Forester. The plan should include such protective measures as:
    - (i) Cluster development disturbance to the periphery of the site;
    - (ii) Retaining the continuous cover of canopy and understory trees;
    - (iii) Minimizing small clearings and expansion of forest edge habitat;
    - (iv) Retaining standing dead trees (snags);
    - (v) Minimizing disturbance during the May-August breeding season.
  - (d) The developer must submit, with the plan referenced in (c) above, a Habitat Protection Area checklist in the form attached hereto as Appendix E.
  - (e) Prior to approval of the proposed protection measures, a public hearing will be held, if deemed appropriate, to consider comments on the proposed protection plan for Rare Species and Habitat Protection Areas.
- (5) With respect to Habitat Protection Areas, the following criteria apply:

- (a) Roads, bridges, and utilities serving lots shall be located to avoid disturbances to Habitat Protection Areas. When no alternative exists and such infrastructure must cross or be located in Habitat Protection Areas, the applicant shall demonstrate how impacts to habitats have been minimized and that no feasible alternative location of such infrastructure exists.
- (b) Lots and open space areas in a subdivision shall incorporate a wildlife corridor system designed to provide for maintenance of existing wildlife and plant habitats and continuity with those wildlife and plant habitats on adjacent properties. Existing wildlife corridors shall be identified on proposed development plans. When wildlife corridors exist or are proposed they shall include any existing Habitat Protection Areas and connect large forested areas on or adjacent to the property.
- (c) Dredged spoil from water-dependent facilities shall not be placed in Habitat Protection Areas, except for:
  - (i) Backfill for permitted shore erosion protection measures;
  - (ii) Use of spoils in approved vegetated shore erosion projects;
  - (iii) Placement of spoils on previously approved channel maintenance spoil disposal areas; and
  - (iv) Beach nourishment.
- (d) Commercial or non-commercial tree cutting or clearing of existing natural vegetation in the Buffer is not permitted except as provided in subparagraph a.(5) hereof.
- (e) Agricultural activities, including the grazing of livestock, shall not disturb Habitat Protection Areas.

c. Vegetation.

- (1) The applicant shall delineate those site areas not covered by impervious surfaces to be maintained or established in vegetation. Where vegetation is not proposed the applicant shall demonstrate why plantings for such portions of the site are impracticable. Types of planting and vegetation proposed shall be in accordance with guidelines established in as part of the Town Critical Area Protection Program.
- (2) Land to be subdivided shall be designed and improved in reasonable conformity to existing topography, in order to minimize grading, cut and fill, and to retain, insofar as possible, the natural contours, minimize stormwater runoff, and conserve the natural cover and soil. No soil, sand, or gravel shall be removed from any lots shown on any subdivision plat, except in accordance with the provisions of a Sediment Control Plan approved by the Planning and Zoning Commission as part of the submittals required hereunder.
- (3) Development and redevelopment in the Critical Area District are encouraged to increase natural vegetation on the development site.

d. Stormwater Management.

- (1) The applicant shall be required to identify the stormwater management practices appropriate to the development that achieve the following standards:
  - (a) In areas designated as IDAs on the Town Critical Area Map, the applicant shall demonstrate that the stormwater management practices achieve a ten percent (10%) reduction of pre-development pollutant loadings (see Stormwater Management Ordinance for computation methodology); and
  - (b) Limitations on stormwater runoff to a lower volume or rate than would have resulted pre-development from a ten (10) year storm.
- (2) In the event that the stormwater management practices do not achieve the ten percent (10%) reduction in pre-development pollutant loadings, then offsets shall be provided. Offsets may be either on site or off site provided

they meet the requirements of this Ordinance and the Stormwater Management Ordinance.

e. Impervious Surfaces. (Ordinance 95-1, 9/4/91)

Impervious surfaces in subdivisions located in LDAs and RCAs of the Critical Area District shall be limited to fifteen percent (15%) of the gross lot area except in the following three instances it may be increased to twenty-five percent (25%) of the gross lot area.

1. For a parcel or a lot of one-half (1/2) acre or less in size, that was in residential use or zoned for residential purposes on or before 12/1/85;
2. For a parcel or a lot of one-quarter (1/4) acre or less in size, that was a non-residential use (i.e. commercial, industrial, institutional) on or before 12/1/85; and
3. For a lot of one (1) acre or less in size, as a part of a subdivision approved after 12/1/85, impervious surfaces of the lot may not exceed twenty-five percent (25%) and the total impervious surface of the entire subdivision may not exceed fifteen percent (15%).

f. Forestation and Afforestation.

Subdivisions located in LDAs and RCAs are required to meet the following minimum standards for forest and developed woodlands. Forest and developed woodlands as defined in these Regulations shall be created or protected in accordance with the following:

- (1) When no forest exists on the property, at least fifteen percent (15%) of the gross site area shall be afforested. The location of the afforested area should be designed to reinforce protection to site habitats or provide connections between forested areas when they are present on adjacent properties.
- (2) When forests or developed woodland exist on the property and the proposed development requires the cutting or clearing of trees, the applicant shall submit plans for development and areas to be cleared to the Maryland Forest, Park and Wildlife Service for comments and

recommendations and shall transmit such comments and recommendations to the Planning and Zoning Commission. A grading permit shall be obtained prior to any clearing or cutting associated with proposed development. In addition, cutting or clearing shall be subject to the following requirements for replacement.

- (3) All forest cleared or developed shall be replaced on not less than an equal area either on the property or on an alternative property approved by the Public Works Administrator. When the actual development pad is created and cleared, and areas are reforested or afforested to the extent possible, a forest area shall continue to be considered a developed woodland and no replacement shall be required.
- (4) No more than twenty percent (20%) of the forested or developed woodland within the site proposed for development may be removed and the remaining eighty percent (80%) shall be maintained as forest cover through the use of appropriate instruments (e.g., recorded restrictive covenants). Removal of forest or developed woodland cover in the Buffer is prohibited.
- (5) Clearing of forest or developed woodlands up to twenty percent (20%) shall be replaced on an area basis of one to one. A developer may propose clearing up to thirty percent (30%) of the forest or developed woodland on a property, but the trees removed in excess of twenty percent (20%) must be replaced at the rate of 1.5 times the amount removed either on the property or on another property approved by the Planning and Zoning Commission.
- (6) If more than thirty percent (30%) of the forest on a property is cleared, the forest is required to be replanted at three (3) times the area removed.
- (7) If the cutting of forests occurs before a grading permit is obtained, the forest shall be replaced according to subparagraph (6) above.
- (8) A Forest Management Plan must be submitted to the Town for all timber harvesting occurring in the Critical Area in a one (1) year interval and affecting one (1) or more acres of

forest or developed woodland. The Forest Management Plan must meet the following requirements:

- (a) The Forest Management Plan must be prepared by a registered professional forester.
- (b) The consulting or industrial forester shall incorporate the Department of Natural Resources minimum standards into their proposal.
- (c) The Plan must include a forest management map (including identification of Habitat Protection Areas); water quality recommendations; proposed silvicultural methods; sediment and erosion control techniques; and recommendations for providing continuity of wildlife habitat.

g. Non-Tidal Wetlands.

All subdivisions in the Critical Area District shall be subject to the Non-Tidal Wetlands Protection Plan (Section II of Program 9 of the Town Critical Area Program), and any proposal for development or redevelopment in the Critical Area District shall meet the following criteria:

- (1) The developer must identify all non-tidal wetlands on the site.
- (2) A minimum twenty-five (25) foot buffer must be maintained around all non-tidal wetlands. Development activities or other activities which may disturb the wetlands or wildlife contained therein, shall be prohibited unless it can be shown that these activities will not adversely affect the wetland. (This requirement does not apply to the grazing of livestock in non-tidal wetlands.)
- (3) Development activities or other land disturbances in the wetland drainage area must be designed to minimize alterations to the surface or subsurface flow of water into and from the wetland and shall not cause impairment of the water quality of the plant and wildlife and habitat values of the wetlands.
- (4) If the proposed development activity is water-dependent, of substantial economic benefit or will cause unavoidable and

necessary impacts to the wetlands, then a mitigation plan must be prepared by the developer. Activities requiring a mitigation plan include, but are not limited to, development activities, permitted tree cutting operations and permitted agricultural activities. The mitigation plan must meet the following requirements:

- (a) The developer must submit to the Town the checklist for Non-Tidal Wetlands Protection in the form attached hereto as Appendix F.
- (b) The mitigation plan must specify measures that will provide water quality benefits and plant and wildlife habitat equivalents to the wetland destroyed or altered and mitigation shall be accomplished, to the extent possible, onsite or near the affected wetland.
- (c) For all non-agricultural activities, comments must be obtained from the Maryland Department of Natural Resources, and, where appropriate, the Maryland Department of the Environment, the Maryland Department of Agriculture, the Soil Conservation Service and the U.S. Fish and Wildlife Service.
- (d) For agricultural operations, the Soil Conservation District and the Maryland Department of Natural Resources must be contacted to determine whether mitigation plans are sufficient to accomplish the objectives stated above. Agricultural drainage operations conducted pursuant to Agricultural Article 8-603, Annotated Code of Maryland, shall provide mitigation consistent with regulations developed pursuant to that Article.
- (e) Copies of all permits from the U.S. Army Corps of Engineers and the State of Maryland must be submitted to the Town prior to project approval.
- (f) A cost estimate approved by the Town Engineer must be submitted with the mitigation plan to the Town.
- (g) The Town will require a surety or bond in the amount of one hundred twenty-five percent (125%) of the cost estimate to ensure that the plan is implemented.

- (h) Prior to Town approval, a public hearing will be held, if deemed appropriate, to consider comments on protection measures proposed for wetlands within the Town's jurisdiction.

## ARTICLE VI - REQUIRED IMPROVEMENTS

### Section 600 Purpose

- (a) The purpose of this article is to establish and define the public improvements which will be required to be constructed by the applicant as condition for final plat approval.
- (b) All construction shall be completed in accordance with the specific conditions of the commitment and the accepted drawings and specifications, and in the manner acceptable to the Town Council, Planning and Zoning Commission, and other applicable officials.

### Section 601 Revision of Plans

When changes from the accepted drawings and specifications become necessary during construction, written acceptance by the Planning and Zoning Commission with the advice of the Town/County Engineer shall be secured before the execution of such changes.

### Section 602 Maintenance

Adequate provisions for the satisfactory maintenance of all streets shall be made by dedication to, and acceptance for maintenance by the Town, or by other acceptable means.

### Section 603 Streets

- (a) The construction of streets as shown upon final plats and as contained in contract agreements shall in every respect conform to such requirements as the Town Council may by resolution require for the construction of streets in the Town. These requirements shall be known as the "Chesapeake Beach Specifications and Design Standards for Streets, Road and Improvements" and are hereby incorporated as part of these Regulations, including such changes as the Town Commissioners may from time to time adopt by resolution. The minimum requirements of all subdivisions shall be governed by that resolution in effect at the time of the approval of the applicant's final plat.

- (b) All streets shall be graded to the grades shown on the street profiles and cross-section plan submitted and approved with the final plat.

Section 604 Street Signs

The owner shall erect at every intersection a street sign or street signs having thereon the names of the intersecting streets. At intersections where streets cross, there shall be at least two (2) such street signs.

Section 605 Storm Sewerage System

The owner shall construct storm water drainage facilities in order to prevent erosion, flooding, and other hazards to life and property.

Section 606 Public Water Supply

Every subdivision of lots of such size as to require a community water system as specified by zoning or health regulations, shall be provided with a community water supply and distribution system and appropriately spaced fire hydrants. The source of supply shall be the Town water system. The community water system shall become part of the public system without cost to the Town.

Section 607 Public Sanitary Sewers

Every subdivision of lots of such size as to require a community sewer system, as specified by zoning or health regulations, shall be provided with a complete sanitary sewer system connected to the Town system and shall become a part thereof without cost to the Town.

Section 608 Capped Sewers

If, at the time of final approval, public sanitary sewerage facilities are not available to the subdivision but will become available with a period of three (3) years from the date of recording, the owner shall be required to install or cause to be installed at his expense sanitary sewers and street laterals to the street line, in accordance with the requirements and standards of the "Chesapeake Beach Specifications and Design Standards for Roads, Streets and Improvements". (See Appendix A)

Section 609 Monuments

- (a) Monuments shall be placed at each change of direction of boundary line; two (2) to be placed at each street intersection and one (1) on one side of each street at angle points and at the beginning and end of curves; utility easements shall be monumented at their beginning and at their end, and areas to be conveyed for public use shall be fully monumented at their external boundaries.
- (b) Monuments shall be placed in the ground after final grading is completed.
- (c) All monuments shall be checked and certified for accuracy by the owner's surveyor/engineer.

#### Section 610 Curbs and Sidewalks

All curbs and sidewalks shall be provided and constructed in accordance with the "Chesapeake Beach Specifications and Design Standards of Streets, Roads and Improvements." (See Appendix A)

#### Section 611 Grading

Grading shall conform in all respects to the final plat and the requirements and standards of the "Chesapeake Beach Specifications and Design Standard for Streets, Road and Improvements." (See Appendix A)

#### Section 612 Community Facilities

- (a) Where deemed essential by the Planning and Zoning Commission, and particularly in residential planned communities, the Commission may require reservation, for the common use of all property owners in the proposed subdivision, of suitable land for parks, playgrounds, schools, and other neighborhood purposes.
- (b) Where the subdivision contains park areas, or other physical facilities necessary or desirable for the welfare of the area and which are of common use or benefit and are of such character that the Town or other public agency does not desire to maintain them, then provision shall be made by trust agreements for the proper and continuous maintenance and supervision of such facilities by the lot owners in the subdivision. Such trust agreements shall be a part of the deed restrictions and shall be acceptable to the Planning and Zoning Commission.

## ARTICLE VII - IMPROVEMENT GUARANTEES

### Section 700 Contracts (Revised 5/25/84 #0-5-84)

Before the Planning and Zoning Commission shall cause its approval to be endorsed upon the final plat of any subdivision (except in the case of minor subdivisions wherein the Commission imposes no condition or conditions for the approval of the plat), and as a requisite for the approval thereof:

- (a) The owner shall enter into a public works agreement with the Town in the manner and form set forth by the Town Attorney where he shall agree:
  - (1) to construct or cause to be constructed, at his own expense, and under surety bond, all streets, curbs, sidewalks, fire hydrants, drainage facilities, street signs, monuments, water and sewerage facilities, and other improvements shown on or accompanying said final plat when required to do so by the Planning and Zoning Commission in accordance with the final plats, as finally approved, and in strict accordance with the standards and specifications of the Town;
  - (2) to maintain at his own cost the said streets, curbs, sidewalks, fire hydrants, drainage facilities, street signs, monuments, water and sewerage facilities, and other improvements, until the same are accepted by the Town, and upon acceptance thereof, to post a maintenance bond to the Town for a period of one (1) year;
  - (3) to obtain the easements and releases required when any street, drainage facility, or other improvement wherein a subdivision abuts or traverses land of persons other than the person holding legal title to the lands of the subdivision, at his own cost, and to obtain from the owner of the lands so abutted or traversed full releases from all damages which may change in grade, construction, or otherwise, the street, drainage facility, or other improvement, and such releases shall inure to the benefit not only of the owner of the subdivision but to the Town as well; and

- (b) Required improvements shall be completed, inspected, and accepted by the Town/County Engineer, the Town Council and other proper authorities.

Section 701. Guaranty (Revised 3/19/98 #O-98-6)

(a) Performance Bond: In order to assure the Town that the streets, roads, curbs, sidewalks, fire hydrants, drainage facilities, street signs, monuments, water and sewage facilities and other improvements shown on or accompanying said final plats will be constructed and installed in strict accordance with the plats, as finally approved and with the standards, regulations, and specifications of the Town, and will be maintained until accepted by the Town, the owner shall furnish to the Town a letter of credit or a bond with such surety and in such form as the Town Council shall approve, in an amount sufficient to cover 125% of the projected cost of the construction and installation of the aforesaid improvements, except for streets, roads and storm drainage facilities, which shall be in the amounts set forth in subsection (c) below, as approved by the Town Engineer, until said improvements shall be accepted by the Town. The improvement guaranty secured by the Performance Bond shall be conditioned upon:

(1) The owner constructing and installing, or causing to be constructed or installed, in strict accordance with the final plat and accompanying submittals, as finally approved, and with the Town standards and specifications, the streets, roads, curbs, sidewalks, fire hydrants, drainage facilities, street signs, monuments, water and sewerage facilities, and other improvements shown on or accompanying said final plat; and

(2) The owner maintaining at his own cost the said streets, curbs, sidewalks, fire hydrants, drainage facilities, street signs, monuments, water and sewerage facilities, and other improvements, until the same are accepted by the Town for public use; and

(3) Acceptance of title to said improvements; and

(4) The faithful performance by the owner of the Public Works Agreement required by Section 700 of this Article.

(b) Maintenance Bond: Concurrent with the Town's acceptance of the improvements, the owner shall provide a maintenance bond with a surety and in such form as the Town Council shall approve, or a letter of credit, in an amount sufficient to cover 25% of the projected total construction cost as approved by the Town Engineer except for streets, roads and storm drainage facilities, which shall be in the amounts set forth in subsection (c) below. The Maintenance Bond shall be conditioned upon:

(1) The absence of damages or injury caused to the improvements due

to latent defects, defective construction or design, injuries caused by construction equipment and vehicles, and any other acts or admissions attributable to the owner or his agents, employees, contractors, or sub-contractors; and

(2) The faithful performance by the owner of the Public Works Agreement required by Section 700 of this Article.

(C) Street, Road and Storm Drainage Bonding Methods and Amounts:

(1) For streets, roads and storm drainage facilities, and all improvements appurtenant thereto, the owner (Subdivider) may choose between either Bonding Method below for the performance bonds.

Bonding Method A:

A cash or corporate bond equal to twenty-five percent (25%) of the base construction cost plus one hundred twenty-five percent (125%) of the surface construction cost, as estimated by the Subdivider and approved by the Town Engineer, shall be furnished by the Subdivider, conditioned upon satisfactory completion of all construction covered by the permit. Upon completion of the base road construction and all storm drainage construction and appurtenances and complete slope stabffintion and other submittals deemed necessary by the Town Engineer, building permits will be issued.

Bonding Method B:

A cash or corporate bond equal to one hundred ten percent (110%) of the base construction cost plus one hundred twenty-five (125%) of the surface construction cost as estimated by the Subdivider and approved by the Town Engineer, shall be furnished by the applicant conditioned upon satisfactory completion of all work covered by the permit. Upon submission and approval of satisfactory bonding, Public Works Agreement and other submittals deemed necessary by the Town Engineer, Building Permits will be issued. Use and Occupancy Permits shall be released upon completion and acceptance of the base road construction (including bituminous concrete base course) by the Town.

(2) For streets, roads and storm drainage facilities, and all improvements appurtenant thereto, the owner (Subdivider) shall post a maintenance bond in an wnount equal to 10% of the surface construction cost, as approved by the Town Engineer.

(d) Town as Sole Obligee: Notwithstanding any other provision of these subdivision regulations, or any requirement that may be imposed by the Public Works Agreement with the Subdivider, the Town shall be the sole and exclusive obligee of the performance and maintenance bonds and such bonds shall inure solely to the benefit of the Town of Chesapeake Beach and to no other parties. The requirement that the Subdivider provide performance or maintenance bonds is intended to secure the Town of Chesapeake Beach before and after the acceptance of improvements for public dedication, and does not create, nor are they intended to create, any third-party beneficiary rights.

## ARTICLE VIII - APPLICATION AND PLAN REQUIREMENTS

### Section 800    General (amended 6/15/89) #O-6-89

Plans are required for all subdivisions in accordance with the procedures, plan requirements, and design standards set forth in these Regulations.

#### **a. Adequate Road Facilities**

Before the Planning and Zoning Commission can approve a subdivision of land subject to these regulations either in its entirety or by section, the reviewing body should determine if all identified roads are currently adequate or are programmed to be adequate within one year until 1990 and within a one year lead time after 1990 of final approval and if the roads are inadequate a condition of adequacy may be imposed at the time of preliminary approval. If the roads are inadequate, the subdivision may be denied. In cases where the road facilities are inadequate, a subdivision shall receive approval if the applicant provides improvements to render the roads "adequate".

If final approval is conditioned upon the provision of adequate road facilities, the Planning and Zoning Commission shall keep the plat on file until such a time that the road facilities are adequate. Applications shall be considered in order of submittal.

If road facilities are County or State facilities and are identified as substandard during this process, the Planning and Zoning Commission will refer them to the Calvert County Planning Commission and the Calvert County Commissioners to be considered in the next Calvert County Capital Facilities Plan, or to the appropriate State agency as the case may be.

#### **b. Roads**

The proposed subdivision should be served by access roads adequate to safely accommodate the vehicular traffic projected to be generated by the subdivision. At the applicant's expense, a traffic study shall be conducted by a Registered Professional Engineer approved by the Calvert County Department of Engineering. The study shall be in accordance with written procedures and criteria established by the Calvert County Department of Engineering and approved by the Board of Commissioners of Calvert County unless otherwise directed by the Town Planning and Zoning Commission. The completed traffic study shall be submitted with the subdivision applications.

The traffic study, which shall include the intersection with the nearest arterial road, shall use the Critical Lane Method at intersections and Highway Capacity Manual for roads for the peak hour traffic. The study shall also take into consideration

existing substandard road design and the potential impact of all recorded and/or approved developments which would be served by the roads or intersections identified in the traffic study. To be determined "adequate" by the Planning and Zoning Commission, the road(s) should maintain a level "C" service rating, after full development of this and all other existing and proposed lots and developments on the road. The intersections should maintain a level "D" service rating. State roads and intersections must maintain a level "D" service rating, after full development of this and all other existing and proposed lots and development on the road.

The applicant may request a waiver of this traffic study requirement by submitting a written request therefore submitted with the subdivision application, in the following instances:

- (1) Where the proposed development consists of less than fifty (50) residential units, or
- (2) Where the proposed development will not increase the Design Hour Traffic (DHT) volume on any Town, County, or State road or highway by more than five percent (5%).

Notwithstanding a request for a waiver that falls within the guidelines stated above, the reviewing body may deny the request for a waiver in instances where there is the potential for or there is known to exist operational problems on the roads or highways serving the property, in which case, a traffic study will be required as per these regulations.

In its requests to review applications, the Town shall request that the Calvert County Department of Engineering shall provide recommendations to the Planning and Zoning Commission as to whether all the roads are "adequate" and whether the traffic study has been completed according to the approved criteria.

**c. Appeals**

If a person or party has cause to believe that the Planning and Zoning Commission erred in its analysis of the adequacy of roads as set forth in this section then the applicant may appeal to the Circuit Court.

**d. Exemptions**

In order to lessen the hardship this Ordinance may have on property owners, a minor subdivision as defined in these Regulations and the first three lots to be created from any parcel on record as of the date of this amendment shall be exempt from these requirements.

Section 801 Application Requirements

For the purpose of having a subdivision reviewed and approved by the Planning and Zoning Commission, the applicant shall file with The Administrator, the respective plans and application in accordance with Article IV.

Section 802 Tentative Sketch Plan

A tentative sketch plan may be submitted by the applicant as a basis for informal discussion with the Planning and Zoning Commission.

Data furnished in the tentative sketch plan shall include the following information:

- (a) Name of the subdivision.
- (b) Name and address of the owner.
- (c) Name and address of the engineer or surveyor.
- (d) Tract boundaries.
- (e) North point and date.
- (f) Streets on and adjacent to the tract.
- (g) Significant topographical and physical features.
- (h) Proposed general street layout.
- (i) Proposed general lot layout.
- (j) Contours based on U.S.G.S. topography.

If the subdivision is to be located in part or in whole in the Critical Area District, the plan and application shall also include the general location and area extent of the following:

- (1) Tidal and non-tidal wetlands;
- (2) Streams;
- (3) Areas of steep slopes fifteen percent (15%) or greater, highly erodible hydric, and other soils with development constraints;
- (4) Buffer areas and exempted Buffer areas, where applicable;

(5) Natural resource protection areas, including Habitat Protection Areas, forests and developed woodlands on or in the vicinity of the proposed subdivision;

(6) The Critical Area District Boundary and the applicable land use management classifications (i.e., IDA, LDA, or RCA);

(7) Computation of the amount of acres in the Critical Area District; and

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

### Section 803 Preliminary Plat

The preliminary plat shall show or be accompanied by the following information:

(a) Drafting standards

(1) the plat shall be drawn at a scale of 1" = 40', 1" = 50' or 1" = 100'.

(2) Dimensions shall be in feet and decimal parts thereof, and bearings in degrees, minutes, and seconds.

(3) Each sheet shall be numbered and shall show its relationship to the total number of sheets.

(4) Where any revision is made, or when the plat is a revision of a previously approved plat, dotted lines shall be used to show features or locations to be abandoned and solid lines to show the presently proposed features.

(5) The plat shall be so prepared and bear an adequate legend to indicate clearly which features are existing and which are proposed.

(6) The boundary line of the subdivision shall be shown as a solid heavy line.

(b) Information to be shown - General

(1) Name of the subdivision.

(2) Name and address of the owner.

(3) Name and address of the engineer or surveyor responsible for the plat.

(4) Present zoning classification.

(5) Date, north point, and scale.

(6) A location map for the purpose of locating the site to be subdivided at a scale of not less than eight hundred (800) feet to the inch showing the relation of the tract to adjoining property and to all streets and municipal boundaries existing within one thousand (1,000) feet of any part of the property proposed to be subdivided.

(c) Existing features

(1) Complete outline survey of the property to be subdivided showing all courses, distances, and area, and tie-ins to all adjacent street intersections.

(2) The location, names, and widths of streets, the location of property lines and name of owners, the location of water courses, sanitary sewers, and storm drains, and similar features within twenty-five (25) feet of any part of the land to be subdivided.

(3) Location of all existing monuments.

(4) Location, size, and ownership of all underground utilities, and any rights-of-way within the property.

(5) Topography on two (2) foot contours, provided, however, that if ground slope is sufficiently steep for five (5) foot contours, to show the surface configuration, the large contour interval may be permitted. Smaller contour intervals may be required where two (2) foot contours do not indicate existing surface conditions.

(6) Location of existing buildings, the outline of all wooded areas, marshy areas, and areas subject to flooding.

(d) Proposed layout

(1) The layout of streets, including names and widths.

(2) The layout and approximate dimensions of lots.

(3) A reference to any land offered for dedication for parks, schools, widening of streets, or other public uses.

(4) The average and minimum lot size.

(5) Location and size of storm drains, sanitary sewers, culverts, water courses and all appurtenances thereof, water mains and fire hydrants.

(6) Building setback lines.

(7) Rights-of-way and/or easements proposed to be created for all drainage purposes and utilities.

(8) Tentative typical cross-sections and center line profiles for each proposed street shown on the preliminary plat. These plats may be submitted as separate sheets.

(9) Where the preliminary plat covers only a part of the owner's entire holding, a sketch shall be submitted on the prospective street layout for the remainder.

(10) The words "Preliminary Plat - Not to be Recorded," shall be shown on the plat.

(e) If the subdivision is to be located in part or in whole in the Critical Area District, the plan and application shall also include the general location and area extent of the following:

(1) Tidal and non-tidal wetlands on and adjacent to the property and delineation of the watershed thereof;

(2) Streams;

(3) Areas of highly erodible hydric, and other soils with development constraints;

(4) Buffer areas and exempted Buffer areas, where applicable;

(5) Natural resource protection areas, including Habitat Protection Areas, forests and developed woodlands on or in the vicinity of the proposed subdivision;

(6) Computation of the amount of acres in the Critical Area District; and

(7) Computation of the total area within the Critical Area District, area within each of the land management classifications (i.e., IDA, LDA, RCA);

(8) Number of lots in the Critical Area District;

(9) Slopes fifteen percent (15%) or greater;

(10) Location and area of all soils exhibiting the following characteristics as determined by a soil survey, such as:

- (a) Septic Limitations;
- (b) Wet Soils;
- (c) Hydric Soils and soils with hydric properties; and
- (d) Highly erodible soils (soils on slope greater than fifteen percent (15%) or soils on slope greater than five percent (5%) with K values greater than 0.35).

(11) Location of all existing or proposed site improvements (including storm drains, culverts, retaining walls, fences, stormwater management facilities as well as sediment and erosion control structures);

(12) Location of open space, forested areas and landscaping (the plan shall show all areas to be maintained as landscaping to be provided and the means by which such landscaping will be permanently maintained shall be specified);

(13) Location of eroding shoreline reaches, the rates of erosion, areas where shore erosion measures are in place, areas to be protected by installation of proposed erosion abatement approaches.

(14) Areas to be retained in agricultural use;

(15) Areas proposed for reforestation and afforestation;

(16) Total area of the site that will be temporarily disturbed during development and area that will be permanently disturbed (disturbed is defined as any activity occurring on an area which may result in the loss of or damage to existing natural vegetation);

(17) Proposed natural park areas, as appropriate; and

(18) The location of the Critical Area District Boundary, the Mean High Water Line and the landward edge of tidal wetlands.

(f) In addition to the information above, the Preliminary Plan shall be accompanied by the following, when required, when the subdivision or development is proposed in the Critical Area District:

- (1) A Planting Plan and/or a Forest Management Plan reviewed by and addressing the comments of the Maryland State Bay Watershed Forester where appropriate;
- (2) A Habitat Protection Plan, including and addressing the comments of the Maryland Forest, Park and Wildlife Service and the Maryland Natural Heritage Program;
- (3) A proposed Cooperators Agreement with the Town or an Agricultural Plan, as applicable, for agricultural activities;
- (4) A preliminary Stormwater Management Plan;
- (5) A preliminary Sediment and Erosion Control Plan;
- (6) A Shore Erosion Protection Plan including specifications for proposed shore erosion work;
- (7) Natural Park Management Plan, where appropriate; and
- (8) An Environmental Assessment, which provides a complete statement of how the proposed development addresses the goals and objectives of the Town Critical Area Protection Program. At a minimum the Environmental Assessment shall include:
  - (a) A statement of existing conditions, e.g., amount and types of forest cover, amount and types of wetlands, discussion of existing agriculture activities on the site, soil types, topography, etc.;
  - (b) A discussion of proposed development project, including number and type of residential units, amount of impervious surface, proposed sewer treatment and water supply, acreage devoted to development, proposed open space and habitat protection areas;
  - (c) A discussion of the proposed development's impacts on water quality, natural habitats, wildlife, fish and plants; and
  - (d) Documentation of all correspondence and findings.

Section 804 Minor Subdivision Plat

The minor subdivision plat shall show or be accompanied by the following information:

(a) Drafting standards

- (1) The plat shall be drawn at a scale of 1" = 50' or 1" = 100'.
- (2) The plat shall be a clear and legible white paper print.
- (3) Dimensions shall be in feet and decimal parts thereof, and bearings in degrees, minutes, and seconds.
- (4) The boundary line of the subdivision shall be shown as a solid heavy line.
- (5) Minor subdivision plats shall be on sheets either 18" x 22" or 36" x 44" and all lettering shall be so drawn as to be legible if the plat should be reduced to half size.

(b) Information to be shown - General

- (1) Name of the subdivision.
- (2) Name and address of the owner.
- (3) Name and address of the engineer or surveyor.
- (4) Zoning classification and requirements.
- (5) Date, north point, and scale.
- (6) A location map for the purpose of locating the site at a scale of not less than eight hundred (800) feet to the inch.
- (7) State Department of Health certification

Information to be shown if subdivision is in the Critical Area District:

- (1) Tidal and non-tidal wetlands;
- (2) Streams;
- (3) Areas of steep slopes fifteen percent (15%) or greater, highly erodible hydric, and other soils with development constraints;
- (4) Buffer areas and exempted Buffer areas, where applicable;

(5) Natural resource protection areas, including Habitat Protection Areas, forests and developed woodlands on or in the vicinity of the proposed subdivision;

(6) The Critical Area District Boundary and the applicable land use management classifications (i.e., IDA, LDA, or RCA);

(7) Computation of the amount of acres in the Critical Area District; and

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

(c) Existing features

(1) Complete outline survey of the property to be subdivided, showing all courses, distances, and area, and tie-ins to all adjacent street intersections.

(2) The location, names and widths of streets, the location of property lines and names of owners, the location of water courses, sanitary sewers, storm drains, and similar features within four hundred (400) feet of any part of the land to be subdivided.

#### Section 805 Final Plat

(a)General

The Final Plat shall consist of a drawing, intended for recording, incorporating those changes or additions required by the Planning and Zoning Commission in its approval of the Preliminary Plat.

(b)Drafting Standards

Drafting standards for Final Plat shall be the same as those described in Section 8.03 for Preliminary Plat.

(c)Information to be shown

(1)Subdivision name.

(2)Name and address of Subdivider or Developer.

(3)Name, address and seal of the registered surveyor responsible for the plat. The surveyor must be registered in the State of Maryland.

(4)Date, north point, and scale.

- (5) A location map (Scale between 1" = 800' and 1" = 2000')
- (6) Centerline of all proposed and adjoining streets with their right-of-way width and names.
- (7) Accurate distances and bearings of all boundary lines of the subdivision.
- (8) Lines of all lots, and a simple method of numbering to identify all lots and sections.
- (9) Building setback lines which are more restrictive than Town Zoning requirements, and all easements provided for public service together with their dimensions and any limitations of the easements.
- (10) All dimensions necessary for accurate location of the boundaries of the site to be developed and of all streets, lots, easements, and dedicated areas. These dimensions shall be expressed in feet and decimals of a foot.
- (11) All radii, arcs, points of tangence, central angles, and lengths of curves.
- (12) All required and existing survey monuments or benchmarks (i.e., concrete monuments, pipe, trees, fences, etc.), together with their description.
- (13) Private, self-imposed and previously existing covenants, restrictions and/or easements and their period of existence are to be shown or referred to on the recorded Final Plat. This is not to preclude future recording of new or altered covenants, restrictions and/or easements.
- (14) The accurate outline, dimensions and purposes of all property which is offered for dedication or is to be reserved for acquisition for public uses or is to be reserved by deed covenant for the common use of the property owners in the subdivision.

Information to be shown if subdivision is in the Critical Area District:

- (1) Tidal and non-tidal wetlands on an adjacent to the property and delineation of the watershed thereof;
- (2) Streams;
- (3) Areas of highly erodible hydric, and other soils with development constraints;
- (4) Buffer areas and exempted Buffer areas, where applicable;

- (5) Natural resource protection areas, including Habitat Protection Areas, forests and developed woodlands on or in the vicinity of the proposed subdivision;
  - (6) The Critical Area District Boundary and the applicable land use management classifications (i.e., IDA, LDA, or RCA);
  - (7) Computation of the amount of acres in the Critical Area District; and
  - (8) Total number of lots and/or parcels to be recorded that are in the Critical Area District and outside the Critical Area District;
  - (9) Total area of lots and/or parcels, including widening strips in the Critical Area District;
  - (10) Total area of roadways to be recorded;
  - (11) Total area of subdivision to be recorded; where density restrictions apply; and the acreage dedicated to the development;
  - (12) Total area of subdivision or portions thereof to be recorded in the Critical Area District;
  - (13) Residential density in the Critical Area District;
  - (14) Accurate outlines (metes and bounds) of any common or reserved areas or portions of lots to be maintained by covenant, easement, or similar approved instrument, impermanent forest cover, including existing forested areas, reforested areas, and afforested areas.
  - (15) Accurate outlines of any areas to be maintained as resource protection use (e.g., agriculture, natural parks, forest, etc.)
  - (16) Accurate outlines of any areas to be maintained as permanent wildlife and plant Habitat Protection Areas.
- (d) Space shall be provided on the Final Plat for signatures and dates indicating certificate of approval by the following:
- (1) A Registered Surveyor (Signature and Seal).
  - (2) County Health Officer, or representative of State Health Department.
  - (3) Chairman or Secretary to the Planning and Zoning Commission.
  - (4) Owner and all parties having proprietary interest in the property subdivided.

(5)County Planning Director

(e)Preparation of Final Plat

(1)Final Plats for subdivisions of 1 to 5 lots shall be prepared on sheets of either 8 1/2" X 13 1/2" and recorded in the Land Records of the Clerk of the Circuit Court or sheets 18" X 24" and recorded in the Plat Records of the Clerk of the Circuit Court.

(2)Final Plats for subdivisions of 6 or more lots shall be prepared on sheets of 18" X 24" and recorded in the Plat Records of the Clerk of the Circuit Court.

(3)Statements and Certificates

(a)The following statement by the responsible owner, partnership, corporation or developer, as appropriate and representing all parties having proprietary interest in the property, shall be provided on the plat:

"The undersigned owners and all parties having proprietary interest in this property hereby adopt this plan of subdivision, establish the minimum building restriction lines, and dedicate the streets, alleys walks and other areas as specified. The streets, roads, open spaces and public sites shown herein and the mention thereof in deeds, are for the purpose of description only, and recording of the Final Plat shall not be deemed to constitute or effect an acceptance by the Town Council; acceptance by the Town may be accomplished by a subsequent appropriate act. A utility easement is established 10 feet in width binding on all rights-of-way for the installation and maintenance of public utilities."

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Witness)

\_\_\_\_\_  
(Name Printed)

(b) The following statement shall be added to the final plat:

I hereby certify that the plan shown hereon complies with conditions of approval granted by the Town of Chesapeake Beach Planning and Zoning Commission on

\_\_\_\_\_.

or

This subdivision satisfies the conditions of preliminary approval granted by the Town of Chesapeake Beach Planning and Zoning Commission on

\_\_\_\_\_.

\_\_\_\_\_  
Calvert County Director of Planning and Zoning

\_\_\_\_\_  
Date

Section 806    Improvement Plans

(a)General - Plans for improvements, either proposed by the Developer or required by Town, County or State regulations, will be prepared by the Developer for approval by the appropriate public authorities.

(b) Construction - All construction work or improvements shall be subject to inspection during construction, and to approval by appropriate public authorities upon completion of construction.

(c)Erosion and Sediment Control - Plans and Stormwater Management Plans shall be prepared by the Developer and submitted for approval in accordance with the applicable Ordinances of Calvert County.

(d)The applicant shall file four (4) copies of the Public Improvements Plan with the Final Plat.

(e)The applicant for a subdivision in the Critical Area District shall prepare and submit a Planting Plan and/or Forest Management Plan for areas where planting, foresting or afforesting is required, a Shore Erosion Protection Plan for areas of eroding shore to be stabilized, and a Mitigation Plan where mitigation of impacts to non-tidal wetlands is required.

(f)The applicant for a subdivision in the Critical Area District must submit a detailed proposal, including covenants, agreements, and other specific documents showing ownership and method of assuring perpetual maintenance to be applied to those areas of common open space, recreation areas, and habitat and resource protection

areas in the development or portions thereof that are located in the Critical Area District.

### Section 807

#### Modification of Requirements

The above requirements for preliminary and final plats and for the supporting data may be modified by the Planning and Zoning Commission.

In subdivisions requiring no new streets, and in the case of resubdivision, the requirements for the contours may be waived at the discretion of the Planning and Zoning Commission.

### Section 808

#### Modifying and Vacating Subdivision Plats

A. Any recorded subdivision plat, or any part thereof, may be modified or vacated by the Planning and Zoning Commission upon receipt and approval of a written petition by the owner(s) of all of the property(s) subject to the portion of the recorded plat to be modified or vacated, according to the provisions of this Section.

B. The petition shall consist of a request that the subdivision plat be modified, totally facated, or partially vacated (with a designation of those parts of said to be vacated), the consent of all owners(s) of properties subject to said plat, a copy of the existing plat, a title report executed by an attorney admitted to practice law in the State of Maryland for all properties subject to said plat and written evidence that all persons or entities, whether public or private, who have any rights or interests created by said plat, have been notified as provided by subsection C below.

C. All persons or entities, whether public or private, who have any rights or interested created by the existing plat, shall be given written notice of the intent to modify or vacate said plat, which said notice must state that they have an opportunity to provide written comments to the Planning and Zoning Commission within thirty (30) days of the receipt of said notice, or before any later date set by the Commission, said date not to be less than 5 days prior to the consideration of the petition by the Commission.

D. The Planning and Zoning Commission shall, by resolution, approve the modification or vacating of a subdivision plat upon a finding that all of the following conditions have been met:

1. That all requirements of subsection B and C have been met.
2. That all dedicated rights-of-way for public use or easements for any public utility, storm drainage course, flood plain, public access roadway, alley or street,

or dedicated public facility created by the subdivision plat to be modified or vacated, which inure to the benefit of Chesapeake Beach, Maryland have been released by an appropriate resolution of the Town Council.

3. That all dedicated rights-of-way for public use or easements for any public utility, storm drainage course, flood plain, public access roadway, alley or street, or dedicated public facility created by the subdivision plat to be modified or vacated, which inure to the benefit of any governmental entity, have been released by an appropriate resolution of said entity.

4. That if any persons, agencies or entities having rights in any area proposed to be modified or vacated shall have imposed conditions to their consent, said conditions shall be incorporated into the resolution of the Planning and Zoning Commission and the instrument to be recorded in the land records of Calvert County, Maryland.

5. That no instrument has been recorded in the land records of Calvert County, Maryland subsequent to the original recording of the subdivision plat which incorporates or makes reference to said plat which has not been released by a document properly recorded in the land records of Calvert County, Maryland.

E. Upon a resolution approving the modification or vacating of a subdivision plat, the petitioner(s) shall submit a written, recordable instrument which identifies the plat to be modified or vacated. The chairman of the Planning and Zoning Commission is authorized to execute said instrument for the purposes of ratifying the modification or vacation of said plat. The Town shall record said instrument in the land records of Calvert County, Maryland.

## ARTICLE IX - ADMINISTRATION

### Section 900   Hardship

Where the Planning and Zoning Commission finds that extraordinary hardships may result from strict compliance with these Regulations, it may modify the regulations so that substantial justice may be done and the public interest secured; provided that such modification will not have the effect of nullifying the intent and purpose of these Regulations.

### Section 901   Conditions

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

### Section 902   Fees

Fees to partially cover the cost of considering, examining, and checking the several plats and plans required herein and for recording the final plat shall be collected at the time of filing a preliminary plat, in accordance with a fee schedule of charges adopted by resolution of the Planning and Zoning Commission attached as Appendix G.

### Section 903   Severability

It is hereby declared to be the legislative intent that:

(a) If a court of competent jurisdiction declares any provision of these Regulations to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of these Regulations shall continue to be separately and fully effective.

(b) If a court of competent jurisdiction finds the application of any provision or provisions of these Regulations to any lot, building, or other structure, or tract of land, to be invalid or ineffective, in whole or in part, the effect of such decision shall be limited to the person, property, or situation immediately involved in the controversy, and the application of any such provision to other persons, property, or situations shall not be affected.

Section 904   Appeal: (10-20-88)

Any person aggrieved by any action of the Planning and Zoning Commission pursuant to these regulations may appeal to the Town of Chesapeake Beach Board of Appeals in accordance with applicable procedure as established in the Town of Chesapeake Beach Zoning Ordinance.

**APPENDIX A            TOWN OF CHESAPEAKE BEACH SPECIFICATIONS AND  
DESIGN STANDARDS FOR ROADS, STREETS AND IMPROVEMENTS**

## **ARTICLE I - STREETS AND ROADS**

The requirements of the Calvert County Road Ordinance, as amended, shall be applicable to all road construction or road re-construction within public rights-of-way in the Town of Chesapeake Beach.

**This page for proposed highway system map**

## **ARTICLE II - STREET SIGNS**

The requirements of the Calvert County Road Ordinance, as amended, shall be applicable to all street sign installations within the Town of Chesapeake Beach.

### **ARTICLE III - SANITARY SEWERAGE SYSTEM**

All sewerage installations within the Town limits shall comply with Section 4 -Sewer Connection Requirements of the Town's Rules, Regulations, and Rates For Water and Sewer Services, as amended, dated October, 1985.







#### **ARTICLE IV - WATER SUPPLY SYSTEM**

All water installations within the Town limits shall comply with Section 5 - Water Service Requirements of the Town's Rules, Regulations, and Rates For Water and Sewer Services, as amended, dated October, 1985.

**APPENDIX B            SUBDIVISION APPLICATION Chesapeake Beach, Maryland**

Date of Application: \_\_\_\_\_ Fee Paid \_\_\_\_\_  
C.B.P.Z.C. File No. \_\_\_\_\_

Application for:	Tentative Sketch Review	_____
Preliminary Review		_____
Final Review		_____

1. Owner of record of land: Name \_\_\_\_\_  
Address \_\_\_\_\_  
Telephone No. \_\_\_\_\_
2. Applicant: Name \_\_\_\_\_  
Address \_\_\_\_\_  
Telephone No. \_\_\_\_\_
3. Agent or Attorney, (if any): Name \_\_\_\_\_  
Address \_\_\_\_\_  
Telephone No. \_\_\_\_\_
4. Registered Engineer or Surveyor: Name \_\_\_\_\_  
Address \_\_\_\_\_  
Telephone No. \_\_\_\_\_
5. Name of Subdivision \_\_\_\_\_
6. Where deed is recorded \_\_\_\_\_
7. No. of Lots: \_\_\_\_\_
8. Average Lot Size: \_\_\_\_\_
9. Total Area to be Subdivided \_\_\_\_\_
10. Water Supply: Public system \_\_\_\_\_ on lot system \_\_\_\_\_
11. Sewerage System: Public system \_\_\_\_\_ on lot system \_\_\_\_\_
12. Zoning classification of subject land \_\_\_\_\_
13. Lineal feet of new streets \_\_\_\_\_
14. Copy of all restrictions, covenants, etc., if any, under which lots are to be sold.

Attached \_\_\_\_\_  
 None \_\_\_\_\_

15. Improvements to be made by applicant to subject land with approximate estimated cost of each:

	<u>Unit Cost</u>	<u>No. of Units</u>	<u>Total</u>
a. Widening of Existing Streets.....	_____	_____	_____
b. New Street .....	_____	_____	_____
c. Street Signs .....	_____	_____	_____
d. Water Supply and Fire Hydrants...	_____	_____	_____
e. Sewerage Disposal.....	_____	_____	_____
f. Storm Drainage.....	_____	_____	_____
g. Monuments.....	_____	_____	_____
h. Curbs.....	_____	_____	_____
i. Sidewalks.....	_____	_____	_____
j. Street Lights.....	_____	_____	_____
k. Park Land.....	_____	_____	_____

16. Statement fixing period requested for completion of all items in Par. 15 above:

17. A copy of the description of land as set forth in deed shall be attached. Parcel No. \_\_\_\_\_

\_\_\_\_\_  
 Signature of Owner

**APPENDIX C TENTATIVE SKETCH PLAN, CHECKLIST, Chesapeake Beach, Maryland**

Name of Subdivision:  
 C.B.P.Z.C. File No. \_\_\_\_\_

The following check list summarizes the information which must be shown in order to be reviewed by the Town Planning and Zoning Commission. The check list shall be filled out by the Public Works Administrator and applicant at the time of submission, and if incomplete, the plan shall be returned to the applicant noting the deficiencies.

	Check item if Complete
1. Twenty-five (25) copies of the tentative sketch plan and application	_____
2. Name of subdivision	_____
3. Name and address of the owner	_____
4. Name and address of the engineer or surveyor	_____
5. Tract boundaries	_____
6. North point and date	_____
7. Streets on and adjacent to the tract	_____
8. Significant topographical and physical features	_____
9. Proposed general street layout	_____
10. Proposed general lot layout	_____
11. Contours based on U.S.G.S. topography	_____

\_\_\_\_\_  
Date of Completed Submission:

\_\_\_\_\_  
Public Works Administrator

\_\_\_\_\_  
Applicant

**APPENDIX D            PRELIMINARY PLAT CHECKLIST, Chesapeake Beach,  
Maryland (Revised 2/28/86)**

Name of Submission \_\_\_\_\_  
 C.B.P.Z.C. File No. \_\_\_\_\_

The following check list summarizes the information which must be shown on the preliminary plat in order to be reviewed by the County Planning and Zoning Commission. The check list shall be filled out by the Public Works Administrator, and if incomplete the Plat shall be returned to the applicant noting the deficiencies.

	Check Item if Complete
1. Twenty five 25 copies of the preliminary plat and application	_____
2. Name of the subdivision	_____
3. Name and address of the owner	_____
4. Name and address of the engineer or surveyor	_____
5. Zoning classification and dimensional requirements	_____
6. Date, north point, and scale	_____
7. Scale of 1" = 40', or 1" = 50', or 1" = 100'	_____
8. Location map	_____
9. Tract boundaries indicated by a heavy solid line	_____
10. Location, names, and right-of-way and pavement widths of existing streets, location of property lines and names of owners, location of water courses, sanitary sewers, and storm drains within 400 feet of tract	_____
11. Existing monuments indicated	_____
12. Location, size, and purpose of underground utilities, rights-of-way, and easements within property	_____
13. Topography, refer to Section 803 (c), (5), page _____,(?)Land	

Subdivision Regulations \_\_\_\_\_

- 14. Location of existing buildings, wooded areas, marshy areas, and areas subject to flooding \_\_\_\_\_
- 15. Layout of proposed street names, right-of-way and pavement widths \_\_\_\_\_
- 16. Layout and approximate dimensions of lots, average and minimum lot size, building setback lines \_\_\_\_\_
- 17. Cross-sections and centerline profiles for each proposed street \_\_\_\_\_
- 18. Sites intended to be dedicated \_\_\_\_\_

\_\_\_\_\_  
Date of Completed Submission

Signatures:

\_\_\_\_\_  
Public Works Administrator

\_\_\_\_\_  
Applicant

**APPENDIX E FINAL PLAT CHECKLIST, Chesapeake Beach, Maryland**

Name of Subdivision  
C.B.P.Z.C. File No.

The following checklist summarizes the information which must be shown on the final plat in order to be reviewed by the Planning and Zoning Commission. The checklist shall be filled out by the Public Works Administrator and applicant at the time of submission, and if incomplete, the plat shall be returned to the applicant noting the deficiencies.

	<u>Check Item If Complete</u>
1. Twenty-five (25) copies of the final plat and application and revised preliminary plat and/or improvement drawings	_____
2. Existing topography, location of existing buildings, wooded marshy areas and flood plains.	_____
3. Name of subdivision	_____
4. Name and address of Subdivider or Developer	_____
5. Name, address and seal of the registered surveyor responsible for the plat. The surveyor must be registered in the State of Maryland.	_____
6. Zoning classification with applicable dimensional requirements	_____
7. Date, north point, and scale	_____
8. Drawing scale of 1" = 40', 1" = 50' or 1" = 100'	_____
9. A location map (scale between 1" = 800' and 1" = 2,000')	_____
10. Centerline of all proposed and adjoining streets with their right-of-way width and names	_____
11. Accurate distances and bearings of all boundary lines of the subdivision	_____
12. Lines of all lots and a simple method of numbering to identify all lots and sections.	_____

- 13. Location of existing water courses, sanitary sewers, water mains and storm drains within 400 feet of property being subdivided. \_\_\_\_\_
- 14. Building setback lines. \_\_\_\_\_
- 15. Existing and proposed survey monuments or benchmarks. \_\_\_\_\_
- 16. Private, self-imposed and previously existing covenants. \_\_\_\_\_
- 17. The accurate outline, dimensions and purposes of all property which is offered for dedication or is to be reserved for acquisition for public uses or is to be reserved by deed covenant for the common use of the property owners in the subdivision. \_\_\_\_\_
- 18. Required statements and certificates \_\_\_\_\_
- 19. Space provided on Final Plat for indicating approval by Registered Surveyor, County Health Officer, Chairman or Secretary to the Planning and Zoning Commission, Owner, and County Planning Director. \_\_\_\_\_
- 20. The words "Final Plat" \_\_\_\_\_

**APPENDIX F            MINOR SUBDIVISION CHECKLIST, Chesapeake Beach,  
Maryland**

	<u>Check Item If Complete</u>
1. Ten (10) copies of the plat and application	_____
2. Sheet size of 8 1/2" X 13 1/2" or 18" X 24"	_____
3. Scale of 1" = 50', or 1" = 100'	_____
4. Name of subdivision	_____
5. Name and address of owner	_____
6. Name and address of engineer or surveyor	_____
7. Zoning classification	_____
8. Date, north point, and scale	_____
9. Location map	_____
10. Tract boundaries indicated by solid line showing bearings and distances	_____
11. The location, names and widths of street, the location of property lines and names of owners, the location of water courses, sanitary sewers, storm drains, and similar features	_____
12. The location of existing buildings	_____
13. Proposed layout of numbered streets	_____
14. Total area and minimum lot size and building setback lines	_____

\_\_\_\_\_  
Date of Completed Submission

\_\_\_\_\_  
Public Works Administrator

\_\_\_\_\_  
Applicant

## **APPENDIX G – Subdivision Review Fees**

### Tentative Sketch Plan

Base Application Fee of \$250.00 plus:

- \$175.00 per unit for subdivisions of 4 or fewer units.
- \$170.00 per unit for each unit over 4 units.
- \$150.00 per unit for each unit over 10 units.
- \$130.00 per unit for each unit over 25 units.

### Preliminary Plat Review Application Fee\*

\*These fees shall be waived if Tentative Sketch Plan Application fees were paid. If not, the following fees apply.

Base Application Fee of \$250.00 plus:

- \$200.00 per unit for subdivisions of 4 or fewer units.
- \$190.00 per unit for each unit over 4 units.
- \$170.00 per unit for each unit over 10 units.
- \$150.00 per unit for each unit over 25 units.

### Final Plat Review Fee:

- \$250.00 for subdivisions for 4 or fewer units.
- \$600.00 for subdivisions with more than 4 units.
- \$1,200.00 per plat for subdivisions with more than 25 units.