

HURLOCK SUBDIVISION REGULATIONS

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SECTION 100

ARTICLE I - INTRODUCTION

SECTION 100 PURPOSE

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

SECTION 101 INTENT

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

- (a) Assure sites suitable for building purposes and human habitation, and to provide for the harmonious development of the Town of Hurlock in accordance with the Comprehensive Development Plan and the Zoning Ordinance;
- (b) Coordinate streets within the subdivisions with other existing, planned, or recorded streets or with any street plan adopted or approved by the Town of Hurlock;
- (c) Insure adequate open space for recreation, light and air;
- (d) Further the orderly and appropriate development of land with a variety of design concepts;
- (e) Regulate the flow of traffic;
- (f) Facilitate adequate provisions for transportation, water, sewerage, schools, parks and other public facilities; and
- (g) Establish minimum standards, and to provide for the necessary administrative procedures to implement these regulations.

SECTION 102 INTERPRETATION AND APPLICATION OF REGULATIONS

The provisions of these Regulations shall be held to be minimum requirements to meet the stated purpose and intent of these Regulations. Whenever the Regulations are at variance with the requirements of any other laws, rules, regulations, ordinances, deed restrictions, or covenants, the most restrictive or that imposing the higher standards, shall govern.

SECTION 200

ARTICLE II - DEFINITIONS

SECTION 200 GENERAL

For the purpose of these Regulations, words and terms used herein shall be interpreted as follows:

- (a) Words used in the present tense include the future;
- (b) The singular includes the plural; the plural includes the singular;
- (c) The word "person" includes a firm, organization, trust, company, corporation, institution, partnership, and association, as well as the individual;
- (d) The word "lot" includes the word "tract", "plot" or "parcel";
- (e) The word "Commission" and the words "Planning Commission" mean the Hurlock Planning Commission;
- (f) The words "Mayor and Council" mean the Mayor and Council of Hurlock;
- (g) The words "Planning Staff" and "Staff" shall mean the person appointed by the Mayor and Council to administer these Subdivision Regulations;
- (h) The words "Town Clerk" mean the officially appointed Town Clerk of Hurlock or his/her designated representative;
- (i) The words "Superintendent" and "Superintendent of Public Works" mean the officially appointed Superintendent of Public Works of Hurlock;
- (j) The word "shall" is mandatory; the word "may" is permissive;
- (k) The words "Town" and "Hurlock" mean the Town of Hurlock; and
- (l) The words "Hurlock Standard Specifications Manual" mean the original document and any subsequent revision.

SECTION 201 SPECIFIC

- (a) ALLEY - A way which generally affords a secondary means of vehicular access to abutting properties and not intended for general traffic circulation.
- (b) APPLICANT - Any person who submits to the Planning Commission subdivision plans for the purpose of obtaining approval thereof.

- (c) BLOCK - An area of land containing one or more lots and bounded by streets providing access to such lot or lots. Block boundaries may also include a railroad right-of-way, unsubdivided acreage, river, live stream or any other barrier to the continuity of development.
- (d) BUILDING - A structure having one or more stories and a roof designed primarily for the shelter, support or enclosure of persons, animals or property of any kind.
- (e) CUL-DE-SAC (COURT) - A street having one end open to traffic and having the other end permanently terminated by a vehicle turnaround space having a minimum radius of forty feet (40').
- (f) DEDICATION - The deliberate setting aside or appropriation of land by its owner for any general and public uses, reserving to himself no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted.
- (g) DEVELOPER - An individual, person, partnership or corporation (or agent thereof) that undertakes the responsibility for any or all of the activities covered by the Regulations, particularly the preparation of the subdivision plat and improvement plans showing the layout of the land and the public improvements involved therein. Inasmuch as the subdivision plat is merely a necessary means to the end of assuring a satisfactory development, the term "developer" is intended to include the term "subdivider" even though the personnel involved in successive stages of the project may vary.
- (h) EASEMENT - A strip of land on which a limited right-of-way is provided for one (1) or more designated purposes, without including title to the land.
- (i) 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.
- (j) LOT - A piece or parcel of land occupied or intended to be occupied by a principal building or use or group of buildings and accessory buildings and uses. A lot is either a lot of record or a lot created in accordance with both the Hurlock Zoning Ordinance and the Hurlock Subdivision Regulations.

- (k) LOT OF RECORD - A lot which is part of a subdivision that has been recorded in the Land Records of Dorchester County, or which has been described by metes and bounds and recorded in the same Land Records as of the effective date of the Hurlock Zoning Ordinance, March 1990.
- (l) PUBLIC WORKS AGREEMENT - A contract, between the developer and the Town, to complete the necessary improvements in accordance with approved plans and specifications by a given date; such contract to be guaranteed by an approved surety bond or performance bond, a certified check, cash, irrevocable letter of credit or such other security as the Town deems appropriate.
- (m) RESUBDIVISION - The revision of any lot for any purpose.
- (n) SETBACK - A line beyond which no portion of a structure is permitted to extend.
- (o) STREET - A public or private way which provides a means of access to abutting property. The term shall include road, street, avenue, drive, circle, highway, or similar term, but does not include alley.
- (p) STREET LINE - The dividing line between the street and the lot.
- (q) SUBDIVISION - The division of a lot, tract, or parcel of land into two or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, of sale or of building development. It includes resubdivision and, when appropriate to the context, relates to the process of resubdividing or to the land or territory subdivided.
- (r) SUBDIVISION, MINOR - A subdivision, as defined above, that results in only two lots after the division of land has occurred.

SECTION 300

ARTICLE III - CONTROL AND PENALTIES

SECTION 300 SUBDIVISION CONTROL

After the effective date of this ordinance, no land in a subdivision shall be transferred, sold, agreed to be sold or negotiated to be sold, nor shall a building permit be issued for a structure thereon until a final plan of such subdivision shall have been approved by the Planning Commission and recorded in the Land Records of Dorchester County in accordance with these Regulations, including that the improvements required in connection with the subdivision have either been constructed or guaranteed in a public works agreement.

SECTION 301 CERTIFICATES OF OCCUPANCY AND BUILDING PERMITS

No certificate of occupancy or building permit for any structure on a lot in a subdivision shall be issued until such time as the required improvements have been completed to an extent satisfactory to the Superintendent.

SECTION 302 PLAT APPROVAL REQUIRED

No final plat of any subdivision shall be recorded until it has been approved by the Mayor and Council, as the responsible authorities for the water, sewerage and Town street facilities, and approved by the Commission, as provided herein. The Commission shall not approve the plat until and unless it is satisfied that the requirements of these Regulations are met and that public facilities are adequate to serve the subdivision.

SECTION 303 STATUS OF UNAPPROVED RECORDED PLAT

Any plat of a subdivision recorded without Commission approval has only the legal effect of an unrecorded plat.

SECTION 304 EXEMPTIONS

The following resubdivisions shall be exempt from these Regulations, if and only if two (2) copies of the documents effecting the resubdivisions, including subdivision plats and deeds, are submitted to the Town of Hurlock and a statement verifying the exempt status is written on the document and signed by either the Planning Commission Chairman or Planning Staff. One (1) copy of the documents shall be retained by the Town of Hurlock and the other copy shall be returned to the applicant.

Exemptions include:

1. The combination of adjoining lots in their entirety to result in one larger parcel with interior lot lines eliminated.

2. The transfer of a portion of one lot to another adjoining lot provided neither lot is made non-conforming or more non-conforming to the requirements of the Hurlock Zoning Ordinance and provided the portion of land transferred is made a part of the adjoining lot so that it is not created as a separate lot in itself.

SECTION 305 PENALTIES FOR VIOLATION

Violations by a landowner or his agent of the provisions of Section 300 of these regulations or requirements and restrictions imposed by the Planning Commission as conditions for approval of a subdivision plat shall constitute a misdemeanor. Upon conviction thereof, the offender shall be subject to a fine not to exceed \$1,000.00

SECTION 400

ARTICLE IV - PROCEDURES AND REQUIREMENTS

SECTION 400 SKETCH PLAN

- (a) Purpose: The purpose of the sketch plan is to provide 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 plan.
- (b) General: The sketch plan procedure is optional to the applicant and is not a prerequisite to the approval of the final plat.

SECTION 401 SKETCH PLAN PROCEDURES

- (a) Applicant prepares sketch plan and application and submits nine (9) copies of the sketch plan and application to the Planning Staff. Additional copies may be needed if the subdivision requires review by additional agencies.
- (b) The Staff shall check the submission and;
 - (1) If the submission is incomplete, return the submission to the applicant and/or indicate to the applicant the deficiencies therein.
 - (2) If the submission is complete, accept the sketch plan and application.
- (c) The Staff shall distribute copies of the sketch plan and application to:
 - (1) Superintendent - two (2) copies
 - (2) Hurlock Building Inspector - one (1) copy
 - (3) Mayor and Council - one (1) copy
 - (4) Planning Commission File - one (1) copy
 - (5) Hurlock Volunteer Fire Co. - one (1) copy
 - (6) Dorchester County Health Dept. - one (1) copy
 - (7) Dorchester County Soil Conservation Service - one (1) copy
 - (8) Dorchester County Highway Dept. - one (1) copy
 - (9) State Highway Administration, if applicable - one (1) copy
 - (10) State Rail Administration, if applicable - one (1) copy
 - (11) MD Dept of Natural Resources, Forestry Division, if applicable - one (1) copy
 - (12) Other agencies - if applicable

- (d) The Planning Commission and Staff shall, within a reasonable time:
 - (1) Review the applicant's submission;
 - (2) Review reports by the agencies;
 - (3) Evaluate the applicant's submission, presentation, discussion with the applicant, and agency reports;
 - (4) Determine whether the sketch plan meets the objectives and requirements of these Regulations and other regulations and ordinances of the Town; and
 - (5) Schedule the discussion of the sketch on the Commission's agenda, once the agency reports are received.

SECTION 402 SKETCH PLAN REQUIREMENTS

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

- (a) Name of the subdivision;
- (b) Name and address of the owner;
- (c) Tract boundaries;
- (d) North point and date;
- (e) Streets on and adjacent to the tract;
- (f) Significant topographical and physical features;
- (g) Proposed general street layout;
- (h) Proposed general lot layout;
- (i) Any unusual features the applicant wishes to discuss with the Commission.

SECTION 403 PRELIMINARY PLAT

- (a) Purpose: The purpose of the preliminary plat is to require formal conditional approval in order to minimize changes and revisions prior to the submission of a final plat.
- (b) General: A preliminary plat and all information and procedures relating thereto shall in all respects be in compliance with the provisions of these Regulations.

- (c) Minor Subdivisions: For Minor subdivisions the Preliminary and Final Plat may be combined into one process (step) as a Final.
- (d) Approval: The approval of the preliminary plat shall constitute conditional approval of the subdivision but shall not constitute approval of the final plat.

SECTION 404 PRELIMINARY PLAT PROCEDURES

- (a) Applicant prepares preliminary plat and application; and submits nine (9) blue or black line copies of the preliminary plat, application, and fees to the Planning Staff. The Staff may require additional copies for distribution to other agencies, if applicable.
- (b) The Staff shall check the submission; and
 - (1) If the submission is incomplete, return the submission to the applicant and/or indicate to the applicant the deficiencies therein.
 - (2) If the submission is complete, accept the preliminary plat, applicant form and fees.
- (c) The Staff shall distribute copies of the preliminary plat and application to:
 - (1) Superintendent - two (2) copies
 - (2) Hurlock Building Inspector - one (1) copy
 - (3) Mayor and Council - one (1) copy
 - (4) Planning Commission File - one (1) copy
 - (5) Hurlock Volunteer Fire Co. - one (1) copy
 - (6) Dorchester County Health Dept. - one (1) copy
 - (7) Dorchester Soil Conservation Service 0 one 91) copy
 - (8) Dorchester County Highway Dept. - one (1) copy
 - (9) State Highway Administration, if applicable - one (1) copy
 - (10) State Rail Administration, if applicable - one (1) copy
 - (11) MD Dept of Natural Resources, Forestry Division, if applicable - one (1) copy
 - (12) Other agencies, if applicable
- (d) The Planning Commission and Staff shall, within a reasonable time:
 - (1) Review the applicant's submission;
 - (2) Review reports by the agencies. The submission of the preliminary plat shall not be considered complete until all the agency reports evaluating the plat have been received by the Staff;

- (3) Evaluate applicant's submission, presentation, discussion with the applicant, and agency reports;
- (4) Determine whether the preliminary plat meets the objectives and requirements of these Regulations and other regulations, ordinances, and plans of the Town;
- (5) Schedule the preliminary plat for formal consideration on the Planning Commission agenda, once the agenda reports are received; and
- (6) Inform the applicant of the Commission's decision including required changes in the preliminary plat.

SECTION 405 TIME LIMIT ON PRELIMINARY PLAT APPROVAL

The applicant has one year from the date of the Commission's approval of a preliminary plat to submit the final plat, unless the subdivision is being phased in accordance with ARTICLE V. Failure to submit the final plat to the Town within the year will automatically void the Commission's approval, unless a written extension of time, with a fixed period to submit the final plat, is granted by the Commission.

SECTION 406 PRELIMINARY PLAT REQUIREMENTS

The preliminary plat shall meet the following standards and contain or be accompanied by the following information:

(a) Drafting Standards

- (1) The plat shall be drawn at a scale of fifty feet, or less, to one inch (50' to 1").
- (2) Dimensions shall be in feet and decimals to the nearest hundredth of a foot and the bearings in degrees, minutes, and seconds.
- (3) The plat may consist of several sheets. 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. A revision block showing the revision number, short comment and date shall be placed on the plat.
- (5) The boundary line of the subdivision shall be shown as a solid heavy line.

(b) General Information

- (1) Name of the subdivision.

- (2) Name and address of the owner(s).
- (3) Name and address of the surveyor responsible for the plat.
- (4) Present zoning classification.
- (5) Date, meridian, scale, and direction of all lines by bearings and distances.
- (6) A location map for the purpose of locating the site to be subdivided showing the relation of the tract to adjoining property and streets.

(c) Existing Features

- (1) Complete outline survey of the property to be subdivided showing all bearings, distances, area, and tie-ins to all adjacent street intersections and adjacent Town Boundary lines.
- (2) The location, names, and widths of streets, the location of property lines and names of adjacent owners, the location of water courses and other natural features within two hundred feet (200') of any part of the land to be subdivided.
- (3) Location of all existing markers and monuments.
- (4) Location, size, purpose, and ownership of all utilities and rights-of-way and/or easements within the property, including the sizes and grades of water and sewer lines.
- (5) Topography with contours on one (1) foot intervals, the location of existing buildings, bridges the outline of all wooded areas, wetland areas and areas subject to flooding. (May be provided on a separate map, drawn at the same scale as the preliminary plat.)

(d) Proposed Layout

- (1) Lot layout, including bearings, distances, area and numbering of lots under such system as the Town may designate.
- (2) The names and widths of all proposed streets and alleys, along with grades for each street, sidewalks (as required), and stormwater devices located within street rights-of-way.

- (3) The size, location and design of central water and sewerage systems serving the development. The locations and capacity of fire hydrants are also to be shown.
- (4) The location, size and design of all stormwater management facilities.
- (5) The plan for erosion and sediment control.
- (6) The building setback lines.
- (7) Accurate location of all monuments markers and reference points.
- (8) The location, width, purpose and ownership of all easements or rights-of-way and the boundaries by bearings and distances.
- (9) The location, size and purpose of land offered for dedication for parks, schools, and widening of streets, or other community uses.
- (10) When the subdivision is to be developed in two or more phases, the lines delineating such phases shall be shown.
- (e) The provisions for ownership, operation and maintenance of common properties and services within the subdivision.
- (f) Any subdivision restrictions or covenants to be imposed by the developer.
- (g) Where the preliminary plat covers only a part of the owner's entire holdings, a sketch shall be submitted of the prospective street layout for the remainder of the tract.
- (h) The words "PRELIMINARY PLAT - NOT TO BE RECORDED," shall be shown on the plat.
- (i) A schematic map drawn on a separate paper showing the general street and lot layout within the subdivision as it relates and connects to adjoining parcels shall be submitted.

SECTION 407 FINAL PLAT

- (a) Purpose: The purpose of the final plat is to establish a public record of the property as it will become a part of the land records of Dorchester County after final approval by the Planning Commission.

- (b) General: A final plat shall be submitted conforming to the changes required during the preliminary plat procedure. The final plat and all information and procedures relating thereto shall in all respects be in compliance with the provisions of these Regulations. Preliminary and final plat procedures may be executed simultaneously for minor subdivisions.

SECTION 408 FINAL PLAT PROCEDURES

- (a) Applicant shall submit to the Planning Staff (not more than one year after receiving approval of the preliminary plat):
- (1) Nine (9) black or blue line copies of the final plat. The Staff may require additional copies for distribution to the agencies, if applicable.
 - (2) An estimate of the cost of construction of improvements, including, but not limited to: streets, drainage structures, water and sewer facilities, fire hydrants, lights, sidewalks, recreational areas, and monuments.
 - (3) A proposed method of a bond with surety to secure to the Town of Hurlock the construction and installation of the improvements in item (2) preceding, if the improvements are not completed prior to subdivision plat final approval.
 - (4) A proposed Public Works Agreement covering the total cost of construction of the improvements.
 - (5) Copies of the instruments providing for the ownership, operation and maintenance of common properties and services within the subdivision.
 - (6) Copies of the instruments imposing covenants or restrictions upon the lot owners.
- (b) The Planning Staff shall check the submission and:
- (1) If the submission is incomplete, return the submission to the applicant and/or indicate to the applicant the deficiencies therein;
 - (2) If the submission is complete, accept the final plat and accompanying materials.

(c) The Staff shall distribute copies of the final plat and application to:

- (1) Superintendent - two (2) copies
- (2) Hurlock Building Inspector - one (1) copy
- (3) Mayor and Council - one (1) copy
- (4) Planning Commission File - one (1) copy
- (5) Hurlock Volunteer Fire Co. - one (1) copy
- (6) Dorchester County health Dept. - one (1) copy
- (7) Dorchester Soil Conservation Service - one (1) copy
- (8) Dorchester County Highway Dept. - one (1) copy
- (9) State Highway Administration, if applicable - one (1) copy
- (10) State Rail Administration, if applicable - one (1) copy
- (11) MD Dept. of Natural Resources, Forestry Division, if applicable - one (1) copy
- (12) Other agencies, if applicable

(d) The Planning Commission and Staff shall within a reasonable time:

- (1) Evaluate the applicant's plat to determine that any and all revisions required as a result of the preliminary plat review have been incorporated into the final;
- (2) Evaluate the agency comments to ascertain that the respective requirements of the agencies have been met;
- (3) Evaluate the additional documents submitted along with the plat to verify that they are complete, that they are in compliance with the Subdivision Regulations, and that they will carry out the purposes for which they were created;
- (4) Determine whether the final plat meets the objectives and requirements of these Regulations and other regulations, ordinances and plans of the Town;

Until all immediately preceding (1) through (4) this subsection are found to be adequate, the Subdivision Regulations shall not be considered to have been complied with;

- (5) Schedule the final plat on the Planning Commission Agenda for consideration for final approval. The Commission shall not approve the plat until it is satisfied the Subdivision Regulations are complied with;
- (6) Inform the applicant of the Commission's decision.

SECTION 409 FINAL PLAT REQUIREMENTS

The final plat shall meet the following standards and show the following information:

(a) Drafting Standards

- (1) The size of the sheet, number of copies for recording, and ink and medium shall be in accordance with the requirements of the Clerk of the Circuit Court of Dorchester County.
- (2) Dimensions shall be in feet and decimals to the nearest hundredth of a foot, and the bearings in degrees, minutes and seconds.
- (3) The plat may consist of several sheets. 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. A revision block showing the revision number, short comment and date shall be placed on the plat.
- (5) The boundary line of the subdivision shall be shown as a solid heavy line.

(b) General Information

- (1) Name of subdivision.
- (2) Name and address of the owner(s).
- (3) Name and address of the surveyor responsible for the plat.
- (4) Present zoning classification.
- (5) Date, meridian, scale, and direction of all lines by bearing and distances.
- (6) A location map for the purpose of locating the site to be subdivided showing the relation of the tract to adjoining property and to streets.