

AN ORDINANCE TO AMEND
TITLE 16
OF THE CODE OF EMMITSBURG
ENTITLED
SUBDIVISIONS

BE IT RESOLVED, ENACTED AND ORDAINED by the Mayor and Board of Commissioners of the Town of Emmitsburg, Maryland, pursuant to the authority granted to them by the laws of Maryland and the Charter of the Town of Emmitsburg, that Title 16, Subdivisions, of the Emmitsburg Municipal Code, be amended as follows:

New language is indicated by being in **BOLD, CAPITAL LETTERS**, and deleted language is designated by being in [~~brackets and strike out~~].

Chapter 16.04 – General Provisions.

16.04.020 – Jurisdiction.

In accordance with the authority granted by [~~Article 66B~~] **THE LAND USE ARTICLE** of the Annotated Code of Maryland, [~~1961 Edition~~], as amended, this title is adopted by the Town of Emmitsburg, Maryland governing the subdivision of all lands within the corporate limits of the Town.

16.04.050 – Town Planning [~~and zoning~~] Commission.

The Planning Commission shall administer this title, and in furtherance of said authority, shall:

{A through E unchanged}

16.04.060 – Definitions.

“Alley” means a public right-of-way, which affords only a secondary means of access to abutting properties. Alleys shall not be used as the sole access to a subdivision. [~~(See also Section)~~].

{“Block” unchanged}

“BUFFER AREA” MEANS A STRIP OF LAND WHICH IS PLANTED AND MAINTAINED IN SHRUBS, BUSHES, TREES, GRASS OR OTHER LANDSCAPING MATERIAL AND WITHIN WHICH NO STRUCTURE IS PERMITTED EXCEPT A WALL OR FENCE.

“BUFFER YARD” MEANS AN OPEN AREA WHOSE DIMENSIONS MAY EXCEED THE NORMAL BUILDING SETBACK OR YARD REQUIREMENT USED TO PROTECT LOW-DENSITY USES AND ZONING DISTRICTS FROM ADJACENT HIGHER-DENSITY USES AND DISTRICTS.

{“Building setback line” through “Comprehensive plan” unchanged}

"County Master [~~highway~~] **TRANSPORTATION Plan**" means the official plan of major roads, highways, streets, and other ways adopted by the Frederick County Planning [~~and Zoning~~] Commission

and approved by the Board of County Commissioners of Frederick County [~~on November 25, 1959~~] **IN DECEMBER 2001**, [~~and~~] as amended, **AND** in accordance with **THE LAND USE** Article [~~66B~~] of the Annotated Code of Maryland, **AS AMENDED**.

{*“County plans” through “Improvements” unchanged*}

“LANDSCAPE PLAN” MEANS A COMPONENT OF A SUBDIVISION, SITE, AND/OR IMPROVEMENT PLAT ON WHICH IS SHOWN PROPOSED LANDSCAPE SPECIES (INCLUDING NUMBER, SPACING, SIZE AT TIME OF PLANTING, AND PLANTING DETAILS); PROPOSALS FOR PROTECTION OF EXISTING VEGETATION DURING AND AFTER CONSTRUCTION; PROPOSED TREATMENT OF HARD AND PERMEABLE SURFACES; PROPOSED DECORATIVE FEATURES, GRADE CHANGES, BUFFERS AND SCREENING DEVICES; AND ANY OTHER INFORMATION THAT CAN REASONABLY BE REQUIRED IN ORDER THAT AN INFORMED DECISION CAN BE MADE BY THE PLANNING COMMISSION.

{*“Lot” & “Lot, double frontage” unchanged*}

“LOT, FLAG” MEANS A LOT NOT MEETING MINIMUM FRONTAGE REQUIREMENTS AND WHERE ACCESS TO THE PUBLIC ROAD IS BY A NARROW PRIVATE RIGHT-OF-WAY OR DRIVEWAY.

{*“Outlet” through Subdivision” unchanged*}

~~[Technical Advisory Committee. In order to assist developers in getting information concerning these regulations, the planning commission may organize a “technical advisory committee.” The committee will meet at intervals necessary to enable developers to conveniently contact all departments involved. The developer shall prepare a preliminary plat before meeting with the committee. The committee may be composed of staff members of both the Emmitsburg and county planning commissions, state Roads Commission, county roads board, county health department, metropolitan commission, county soil conservation committee, and any other department or agency concerned with development.]~~

Chapter 16.08 – General Requirements.

16.08.010 – Subdivider must prepare and record plat of subdivision.

From and after the adoption of these regulations, any owner [~~or proprietor~~] of any tract of land located in the territory to which these regulations may apply, who creates a subdivision, shall cause a plat of such subdivision to be made in accordance with the regulations set forth herein and [~~Title III of Article 66B~~] **THE LAND USE ARTICLE** of the Annotated Code of Maryland, **AS AMENDED**. After having secured the approval thereof by the Planning Commission, the subdivider shall cause a copy of the plat, **AND IF APPLICABLE, ANY DECLARATION OF COVENANTS, EASEMENTS AND MAINTENANCE AGREEMENTS**, to be recorded in the office of the Clerk of the Court. Any subdivision or portion thereof which may be in process of development, but has not had a plat recorded at the time of adoption of these regulations, shall also be subject to the requirements and procedures contained herein.

16.08.060 – Violations-Penalties.

Any **DEVELOPER AND/OR** subdivider who violates these regulations shall be subject to the penalties prescribed in [~~Section 28 of Article 66B~~] **THE LAND USE ARTICLE**, annotated Code of Maryland, **AS AMENDED**.

Chapter 16.12 – Procedures Generally.

16.12.015 – SKETCH PLAT.

- A. PRIOR TO THE PREPARATION AND FILING OF THE PRELIMINARY SUBDIVISION PLAT AND/OR IMPROVEMENT PLAT, APPLICANTS ARE ENCOURAGED, BUT ARE NOT REQUIRED, TO SUBMIT A SKETCH PLAT, IN ACCORDANCE WITH CHAPTER 16.22, TO BE REVIEWED BY TOWN STAFF. THE SKETCH PLAT SHALL INCLUDE ANY FEATURES OF THE TOWN OF EMMITSBURG’S COMPREHENSIVE PLAN OR OF ANY OTHER TOWN PLANS, INCLUDING BUT NOT LIMITED TO PROPOSED STREETS, RECREATION AREAS, DRAINAGE RESERVATIONS, SHOPPING CENTERS, SCHOOL SITES, ETC. SUBMISSION OF A SKETCH PLAT SHALL NOT CONSTITUTE A FORMAL FILING WITH THE TOWN.**
- B. IF THE APPLICANT DESIRES TO SUBMIT A SKETCH PLAT, IT IS REQUIRED TO SUBMIT ONE APPLICATION FORM, 10 COPIES OF THE SKETCH PLAT, AND AN ELECTRONIC COPY OF THE PLAN TO THE TOWN FOR CONSIDERATION.**

16.12.020 – Submission of preliminary [~~plan~~] **PLAT** of subdivision for approval.

- A. PRELIMINARY PLAT APPLICATION IS REQUIRED FOR SUBDIVISIONS TO BE COMPLETED IN MORE THAN ONE PHASE, WHETHER PROPOSED INITIALLY OR CUMULATIVELY.** The subdivider shall prepare a preliminary plat of the proposed subdivision conforming with the requirements set forth in Chapter 16.24. At least thirty (30) days prior to a regularly scheduled meeting of the Planning Commission, the plat along with [~~five~~] **FIFTEEN (15) black INK [~~line or similar~~] PAPER** prints of the plat **AND THREE (3) COPIES OF ALL REPORTS, NOTIFICATIONS, AND CERTIFICATIONS** shall be filed with the Planning Commission. [~~; however, if a state road is involved, three additional prints shall be provided.~~]

{B, C, & D unchanged}

16.12.030 – Improvement [~~plans~~] **PLATS**.

- A.** Upon approval of the preliminary plat, the subdivider shall prepare and submit to the planning commission plans for the installation of improvements in accordance with the requirements of Chapter 16.20 of these regulations. All such improvements shall be designed in compliance with and to the standards, plans, and specifications set forth in these regulations.
- B. AT LEAST THIRTY (30) DAYS PRIOR TO A REGULARLY SCHEDULED MEETING OF THE PLANNING COMMISSION, THE IMPROVEMENT PLAT ALONG WITH FIFTEEN (15) BLACK INK PAPER PRINTS OF THE PLAT AND THREE (3) COPIES OF ALL REPORTS, NOTIFICATIONS, AND CERTIFICATIONS SHALL BE FILED WITH THE PLANNING COMMISSION.** Copies of such improvement [~~plans~~] **PLATS** will

be referred by the Planning Commission to the appropriate Town, County, and State officials for checking and approval, subject to such changes or conditions as in their judgment may require.

16.12.040 – Approval of final plat.

{A & B unchanged}

- C. 1. The subdivider shall **PREPARE A FINAL PLAT OF THE PROPOSED SUBDIVISION CONFORMING WITH THE REQUIREMENTS SET FORTH IN CHAPTER 16.28.** ~~[file with the Planning Commission at least four weeks]~~ **AT LEAST THIRTY (30) DAYS** prior to ~~[its regular]~~ **A REGULARLY SCHEDULED meeting OF THE PLANNING COMMISSION,** **THE** ~~[a final]~~ plat **ALONG WITH** ~~[drawn with ink on transparent linen or mylar for signature and ultimately four black linen or paper prints and of the final plat, and]~~ fifteen (15) **BLACK INK** paper prints of the ~~[final]~~ plat **AND THREE (3) COPIES OF ALL REPORTS, NOTIFICATIONS, AND CERTIFICATIONS SHALL BE FILED WITH THE PLANNING COMMISSION.** ~~[to be distributed as follows:]~~

~~[Four linen:~~

- ~~○ three county clerk~~
- ~~○ one town zoning administrator~~

~~Fifteen (15) paper prints:~~

- ~~○ Four town planning commission~~
- ~~○ Five mayor and commission~~
- ~~○ One state highway administration~~
- ~~○ One county health department~~
- ~~○ One county planning department~~
- ~~○ One county division of public works~~
- ~~○ One town manager~~
- ~~○ One town inspector]~~

2. Agency comments from the **APPROPRIATE TOWN, COUNTY, AND STATE OFFICIALS** ~~[county planning department, state highway administration, county health department, county division of public works, the town manager and zoning inspector]~~ must be obtained prior to submittal of the final plat to the Planning Commission. All agency comments will be circulated with the final plat to the Planning Commission ~~[two]~~ **ONE (1)** week[s] prior to the meeting at which final plat approval will be considered.

D. *{1 unchanged}*

2. Upon approval of the final plat, the Town Zoning Administrator will obtain the signature**S** of the Mayor **AND PLANNING COMMISSION'S CHAIRPERSON** on the Mylar **AND PAPER PRINT.** The signature**S** of the Mayor **AND PLANNING COMMISSION'S CHAIRPERSON** shall mean that the Town is satisfied that the requirements of these regulations have been ~~[complied with]~~ **SATISFIED.** Reasons for the disapproval of any plat shall be stated upon the records of the Planning Commission.
- E. Recording the Final Plat. If approved, the developer shall then file ~~[two black line linen]~~ **THREE MYLAR** prints with the Clerk of the Court of Frederick County, and shall distribute ~~[the other]~~ **ONE (1) MYLAR & ONE (1) PAPER** print[s] as follows:
- ~~[One]~~ State Highway Administration (**IF APPLICABLE**);

- [~~One~~] County Health Department; **AND**
- [~~One county planning department~~]
- [~~One county division of public works~~]
- [~~One town manager~~]
- [~~One town inspector~~]
- [~~One~~] Town Zoning Administrator.

The signed Mylar **AND PAPER PRINT** shall be returned to the Town Zoning Administrator to be filed. Approval of the final plat by the Planning Commission shall not be deemed to constitute or effect an acceptance by the public of the dedication of any street or other proposed public **RIGHT-OF**-way or space shown on such plat.

F. *{unchanged}*

16.12.050 – Sale of lots and houses.

No lot shall be sold and no zoning certificate shall be issued until: **1) a final plat of such subdivision shall have been approved and recorded in accord with these regulations and provisions of the state code[-]; AND, 2) IF APPLICABLE, ANY EASEMENTS AND MAINTENANCE AGREEMENTS RELATING TO SHARED DRIVEWAYS BETWEEN OR AMONG LOTS, OR OTHER EASEMENTS OVER LOTS SHALL HAVE BEEN RECORDED IN ACCORD WITH THESE REGULATIONS AND PROVISIONS OF THE STATE CODE.**

Chapter 16.16 – Design Standards.

16.16.030 – Street design standards.

{A through F unchanged}

G. *{1 through 5 unchanged}*

6. Sidewalk. Minimum width of [~~four~~] **FIVE feet (5')** along the entire front frontage of the property.

{H through Q unchanged}

R. Intersections.

1. Street intersections shall be as nearly as right angles as is possible and in no case shall be less than sixty [~~(60)~~] degrees (**60°**) (requirements for intersection with state roads shall not be less than seventy [~~(70)~~] degrees (**70°**) or greater than one hundred ten [~~(110)~~] degrees (**110°**)). **EVERY ATTEMPT SHOULD BE MADE TO HAVE A CONNECTION OF NINETY DEGREES (90°)**. The block corner of street intersections with county or state highways shall be rounded on the right-of-way line with a curve having a radius of not less than [~~twenty five (25)~~] **THIRTY feet (30')**; at minor residential street intersections, the minimum radius shall be not less than [~~twenty (20)~~] **THIRTY feet (30')**.
2. Curbs at street intersections shall be rounded off centrally with the property line. At street intersections with state highways, the street curb or edges of paving shall be rounded off by an arc, the minimum radius of which shall be thirty [~~(30)~~] feet (**30'**). A street intersection

with the state highway will be subject to the rules and regulations of the Maryland [~~State Roads Commission~~] **DEPARTMENT OF TRANSPORTATION (MDOT) STATE HIGHWAY ADMINISTRATION (SHA)**.

3. *{unchanged}*

{S unchanged}

T. Street Standards for New Town House and Multifamily Developments.

1. Rights-of-way (ROW), pavement, curb, sidewalks.

	Public Street	Private Street*
**ROW	40 feet	None
Pavement	24 feet	24 feet
Curb (6")	Yes	Yes
Sidewalk (adjacent to curb)	[4] 5 feet	[4] 5 feet

2. *{unchanged}*

{U through W unchanged}

16.16.060 – Easements.

A. Easements shall be provided for utilities on all lot lines other than those abutting a street right-of-way line and shall be centered on rear or side lot lines. Such easements shall be designed to provide continuity from block to block. Development within a right-of-way is prohibited unless prior permission has been obtained from the Town. **ANY OTHER EASEMENTS OVER INDIVIDUAL LOTS SHALL BE DEPICTED ON THE FINAL PLAT.**

{B unchanged}

C. Where a subdivision **AND/OR DEVELOPMENT** is traversed or borders a stream or watercourse, there shall be provided a stormwater easement [~~or drainage right-of-way~~] not less than [~~twenty (20)~~] **TWENTY-FIVE feet (25')** wide **ON EACH SIDE OF THE STREAM OR WATERCOURSE** dedicated to the Town.

16.16.070 – Lot design standards.

{A unchanged}

B. Residential lots shall comply with at least the minimum size area requirements of the zoning district in which located, except otherwise approved by the Mayor and Commission as described in Chapter [~~16.36~~] **16.32**.

{C through F unchanged}

G. FLAG LOTS.

1. FLAG LOTS SHALL ONLY BE PERMITTED WHEN THEY WILL ENABLE THE PRESERVATION OF SOME IMPORTANT NATURAL OR CULTURAL

FEATURE (INCLUDING PRODUCTIVE FARMLAND), WHICH WOULD OTHERWISE BE DISTURBED BY CONVENTIONAL SUBDIVISION TECHNIQUES. FLAG LOTS SHALL BE RESTRICTED FROM FUTURE SUBDIVISION.

- 2. FOR THE PURPOSES OF THIS SECTION, A FLAG LOT SHALL BE DESCRIBED AS CONTAINING TWO PARTS: 1) THE “FLAG” SHALL INCLUDE THAT PORTION OF THE LOT THAT IS THE LOCATION OF THE PRINCIPAL AND ACCESSORY BUILDINGS; 2) THE “POLE” SHALL BE CONSIDERED THAT PORTION OF THE SITE THAT IS USED FOR VEHICULAR ACCESS BETWEEN THE SITE AND ITS ADJOINING ROAD.**
- 3. REQUIREMENTS FOR THE FLAG:**
 - a. THE MINIMUM LOT AREA AND LOT WIDTH REQUIREMENTS OF TITLE 17 SHALL BE MEASURED EXCLUSIVELY UPON THE FLAG.**
 - b. FOR PURPOSES OF DETERMINING REQUIRED YARDS AND SETBACKS, THE FOLLOWING SHALL APPLY:**
 - 1. FRONT YARD. THE AREA BETWEEN THE PRINCIPAL STRUCTURE AND THAT LOT LINE OF THE FLAG WHICH IS MOST PARALLEL TO THE STREET PROVIDING VEHICULAR ACCESS TO THE SITE. ADDITIONALLY, ALL AREAS OF THE POLE SHALL BE CONSIDERED TO BE WITHIN THE FRONT YARD.**
 - 2. REAR YARD. THE AREA BETWEEN THE PRINCIPAL STRUCTURE AND THAT LOT LINE OF THE FLAG THAT IS DIRECTLY OPPOSITE OF THE FRONT YARD, AS DESCRIBED ABOVE, AND**
 - 3. SIDE YARDS. THE AREA BETWEEN THE PRINCIPAL STRUCTURE AND THAT ONE OUTERMOST LOT LINE WHICH FORMS THE FLAG AND POLE, PLUS THE AREA ON THE OPPOSITE SIDE OF THE PRINCIPAL STRUCTURE.**
 - c. THE FLAG LOT SHALL CONTAIN ADEQUATE DRIVEWAY DIMENSION FOR VEHICULAR BACKUP SO THAT INGRESS TO AND EGRESS FROM THE LOT IS IN THE FORWARD DIRECTION.**
- 4. REQUIREMENTS FOR THE POLE:**
 - a. THE POLE SHALL MAINTAIN A MINIMUM WIDTH OF FIFTY FEET (50’).**
 - b. THE POLE SHALL NOT EXCEED EIGHT HUNDRED FEET (800’) IN LENGTH.**

- c. **NO PART OF THE POLE SHALL BE USED FOR IMPROVEMENTS EXCEPT A DRIVEWAY AND OTHER PERMITTED IMPROVEMENTS SUCH AS LANDSCAPING, FENCING, UTILITY CONNECTIONS TO OFF-SITE FACILITIES, MAILBOXES, AND SIGNS.**
- d. **THE CARTWAY CONTAINED ON THE POLE SHALL BE LOCATED AT LEAST SIX FEET (6') FROM ANY ADJOINING PROPERTY LINE AND TWENTY FEET (20') FROM ANY EXISTING STRUCTURES ON THE SITE OR ANY ADJOINING PROPERTY.**
- e. **NO POLE SHALL BE LOCATED WITHIN TWO HUNDRED FEET (200') OF ANOTHER ON THE SAME SIDE OF THE STREET.**

16.16.100 – Required recreation areas to be dedicated.

- A. In all residential developments at least ten percent (**10%**) of the entire tract of land to be developed must be reserved for recreational use plus a fee of ~~[one]~~ **TWO** hundred dollars [~~(\$100.00)~~] **(\$200.00)** per lot paid, or in the case of multifamily dwellings ~~[one]~~ **TWO** hundred dollars [~~(\$100.00)~~] **(\$200.00)** per dwelling unit paid. Said land shall be conveyed to the Town government of Emmitsburg. One-fourth (**1/4TH**) of the dedicated [~~OS~~] land area must be outside the one hundred (100) year ~~[flood plan]~~ **FLOODPLAIN**.
- B. Where ten percent (**10%**) would be less than one-half (**1/2**) acre, a fee of ~~[three]~~ **FOUR** hundred dollars [~~(\$300.00)~~] **\$400.00** per lot, to be used toward the development of existing recreational areas, shall be assessed in lieu of the land area. The Mayor and **BOARD OF** Commissioners also reserve the right to impose the ~~[three]~~ **FOUR** hundred dollarS [~~(\$300.00)~~] **\$400.00** per lot assessment on those subdivisions, when in their judgement the creation of additional open space (recreational) area is neither warranted or desirable. Areas that are to be reserved shall be shown on the plat and approved by the Mayor and **BOARD OF** Commissioners.
- C. All open space shall have access to a street [~~in fee simple~~] and be reasonably located to be accessible to the neighborhood. In all instances, a minimum of eighty-five [~~(85)~~] percent (**85%**) of the open space shall be suitable for dry ground active recreational uses. The Town may require the developer to make adequate provisions for maintenance of the open space. No open space so dedicated may be used for purposes of afforestation or reforestation without the prior approval of the Planning [~~and Zoning~~] Commission and the Town Council.

16.16.110 – LANDSCAPING, BUFFER YARDS, AND SCREENING.

IN RESIDENTIAL SUBDIVISIONS OF FIVE (5) OR MORE UNITS AND ALL NONRESIDENTIAL DEVELOPMENTS WITH GREATER THAN TEN (10) PARKING SPACES, THE DEVELOPER SHALL PROVIDE BUFFER YARDS AND LANDSCAPING IN ACCORDANCE WITH THIS SECTION.

A. GENERAL BUFFER AND SCREENING REGULATIONS.

- 1. BUFFER YARDS SHALL BE PROVIDED IN ACCORDANCE WITH SECTION 17.08.220, AS AMENDED. SCREENING AND SCREENS IN BUFFER YARDS**

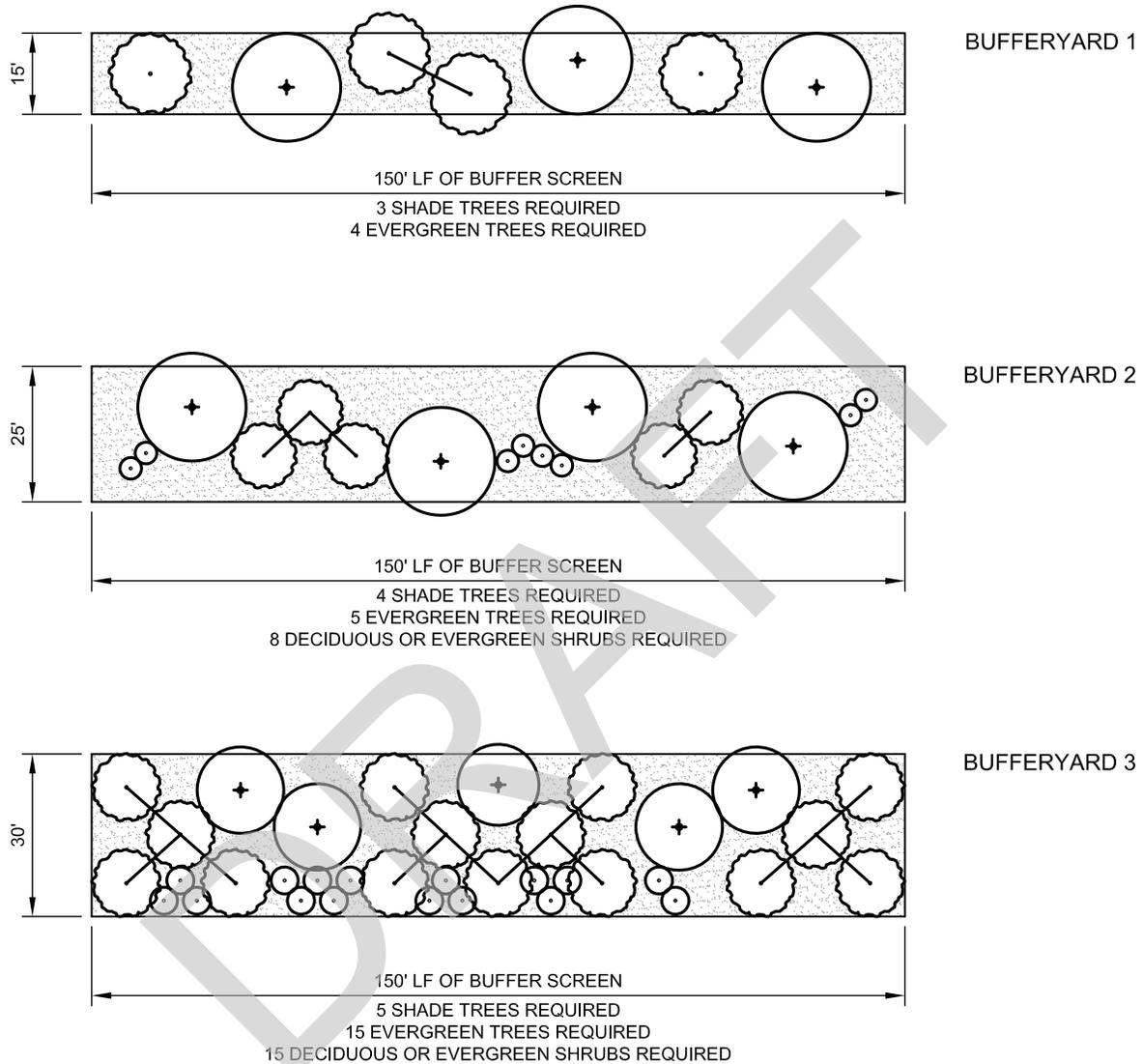
SHALL BE INSTALLED IN ACCORDANCE WITH §16.16.110.B. OF THIS CHAPTER.

- 2. ALL PLANTING SHALL BE PERFORMED IN CONFORMANCE WITH GOOD NURSERY AND LANDSCAPE PRACTICE. PLANT MATERIALS SHALL CONFORM TO THE STANDARDS RECOMMENDED BY THE AMERICAN ASSOCIATION OF NURSERYMAN, INC., IN THE AMERICAN STANDARD OF NURSERY STOCK, CURRENT EDITION, AS AMENDED.**

B. SCREENING.

- 1. SCREENING AND SCREENS REQUIRED BY THIS SECTION ARE INTENDED TO PROVIDE AN EFFECTIVE VISUAL BARRIER AT THE STREET LEVEL BETWEEN CONFLICTING USES RELATED TO NOISE, HEAT, GLARE, DUST, AND TRAFFIC. SCREENING AND SCREENS ARE USED TO PRESERVE PROPERTY VALUES AND ENSURE THE COMPATIBILITY OF DIFFERENT LAND USES AS WELL AS IMPROVE THE APPEARANCE OF INDIVIDUAL PROPERTIES AND NEIGHBORHOODS IN THE TOWN. THIS SECTION PROVIDES STANDARDS AND OPTIONS FOR THE DESIGN AND INSTALLATION OF PLANTS, FENCES, AND WALLS USED AS SCREENING IN THE TOWN. SCREENING SHALL BE IN ACCORDANCE WITH THE FOLLOWING TABLE AND WITH THE BUFFER YARD EXHIBIT A. THE BUFFER YARD TYPES RELATE TO THE TOWN'S ZONING DISTRICTS AS DESCRIBED IN SECTION 17.08.220, GENERAL BUFFER REGULATIONS.**

Exhibit A



BUFFER YARD TYPE AND MINIMUM SCREENING	
BUFFER YARD TYPE	MINIMUM SCREENING
1	ONE SHADE TREE PER 50 LINEAR FEET AND ONE EVERGREEN TREE PER 40 LINEAR FEET OF BUFFER YARD SCREEN.
2	ONE SHADE TREE PER 40 LINEAR FEET AND ONE EVERGREEN TREE PER 30 LINEAR FEET OF BUFFER YARD SCREEN AND ONE DECIDUOUS OR EVERGREEN SHRUB PER 20 LINEAR FEET OF BUFFER YARD SCREEN. AT LEAST 60% OF SHRUB PLANTINGS SHALL BE OF THE EVERGREEN TYPE.

3	ONE SHADE TREE PER 30 LINEAR FEET AND ONE EVERGREEN TREE PER 10 LINEAR FEET OF BUFFER YARD SCREEN AND ONE DECIDUOUS OR EVERGREEN SHRUB PER 10 LINEAR FEET OF BUFFER YARD SCREEN. AT LEAST 70% OF SHRUB PLANTINGS SHALL BE AN EVERGREEN TYPE.
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- 2. ALL SCREENING MATERIALS AND LANDSCAPING SHALL NOT ENCROACH UPON THE ADJOINING PROPERTY LINE AT FULL MATURITY.**
- 3. LANDSCAPING SHALL BE A COMBINATION OF SHADE TREES, ORNAMENTAL TREES, EVERGREEN TREES, DECIDUOUS SHRUBS, EVERGREEN SHRUBS, AND GROUND COVERS. THE FOLLOWING BUFFER YARD PLANTINGS SHALL BE OF THE MINIMUM PLANTING HEIGHT:**
 - A. EVERGREEN TREES, INCLUDING ARBORVITAE TREES OR SHRUBS: MINIMUM FIVE-FOOT (5') PLANTING HEIGHT.**
 - B. DECIDUOUS TREES: MINIMUM TWO-INCH (2") CALIPER AND SIX-FOOT (6') PLANTING HEIGHT.**
 - C. EVERGREEN OR DECIDUOUS SHRUBS: MINIMUM EIGHTEEN-INCH (18") PLANTING HEIGHT, REACHING A MINIMUM OF 30 INCHES (30") WITHIN TWO (2) YEARS. ALL SHRUBS MUST HAVE A MINIMUM SPREAD OF TWELVE INCHES (12") WHEN PLANTED.**
 - D. MINIMUM PLANTING WIDTH: TEN FEET (10').**
- 4. SELECTED PLANT MATERIALS SHALL BE IN ACCORDANCE WITH §16.16.110.B.9., RECOMMENDED PLANT SPECIES, HEREIN.**
- 5. ALL LOADING AND SERVICE AREAS SHALL MEET THE FOLLOWING SCREENING REQUIREMENTS WHEN ADJACENT TO A RESIDENTIAL ZONE OR USE: ONE (1) SHADE TREE PER SIXTY LINEAR FEET (60') AND ONE (1) EVERGREEN PER TEN LINEAR FEET (10') OF VISIBLE LOADING AND SERVICE AREA.**
- 6. ALL DUMPSTERS, TRANSFORMERS, FUEL STORAGE TANKS, AND UNSIGHTLY UTILITIES SHALL MEET THE FOLLOWING SCREENING REQUIREMENTS REGARDLESS OF LOCATION OR DISTRICT: ONE (1) SHADE TREE PER FORTY LINEAR FEET (40') AND ONE (1) EVERGREEN TREE PER FIVE LINEAR FEET (5') OF VISIBILITY. IN ADDITION, ALL TRASH DISPOSAL AREAS SHALL BE EFFECTIVELY SCREENED WITH NO LESS THAN A SIX-FOOT (6') SOLID FENCE SO AS NOT TO BE VISIBLE FROM PARKING AREAS, ROADWAYS, OR ADJACENT PROPERTIES.**
- 7. EXISTING ACCEPTABLE VEGETATION SHOULD BE RETAINED WHEN FEASIBLE. CREDIT MAY BE APPLIED TO REQUIRED PERIMETER LANDSCAPE PLANTINGS IF THE EXISTING TREES CAN BE MAINTAINED AND ARE OF ACCEPTABLE SIZE AND HEALTH.**

8. SCREENING OF STORMWATER MANAGEMENT FACILITIES SHALL BE IN ACCORDANCE WITH THE FOLLOWING STANDARDS:

- A. LANDSCAPE BUFFERING AND SCREENING TECHNIQUES SHALL BE REQUIRED FOR STORMWATER MANAGEMENT FACILITIES THAT ARE ADJACENT TO DISSIMILAR ADJOINING PROPERTIES WITH DIFFERENT ZONING AND PUBLIC AND PRIVATE ROADS.**
- B. THE STORMWATER MANAGEMENT SCREENING AND BUFFERING MAY NOT BE APPLIED TO FULFIL ANY OTHER OF THE REQUIRED LANDSCAPE BUFFERING REQUIREMENTS OF THE SITE.**
- C. IF STORMWATER FACILITIES AND PONDS REQUIRE FENCING, THE REQUIRED FENCING CANNOT BE CREDITED TOWARD STORMWATER FACILITY LANDSCAPE REQUIREMENTS.**
- D. WHEN FENCES ABUT PUBLIC OR PRIVATE ROADS OR DISSIMILAR LAND USES, THE PROPOSED PLANTINGS SHALL BE ON THE EXTERIOR OF THE FENCE, FACING ADJACENT ROADWAYS AND PROPERTIES.**
- E. STORMWATER MANAGEMENT BUFFERING AND SCREENING REQUIREMENTS MAY BE EXEMPT IN INDUSTRIALLY ZONED DISTRICTS IF THEY ARE NOT ADJACENT TO DISSIMILAR LAND USES. WHEN STORMWATER MANAGEMENT FACILITIES ADJOIN OR ARE ADJACENT TO RESIDENTIALLY ZONED DISTRICTS OR PUBLIC ROADWAYS, THE REQUIRED SCREENING SHALL BE IN COMPLIANCE WITH BUFFER YARD 3 ABOVE.**
- F. THE MEANS BY WHICH TO DETERMINE REQUIRED PLANT MATERIAL WILL BE MEASURED FROM THE TOP OF THE DAM ELEVATION IN LINEAR FEET.**
- G. PLANT MATERIAL SHALL NOT BE PERMITTED IN AREAS WHICH MAY COMPROMISE THE STRUCTURAL INTEGRITY OF THE STORMWATER MANAGEMENT FACILITY. THIS RESTRICTION SHALL NOT SUPERSEDE THE REQUIRED LANDSCAPE SCREENING AND BUFFERING REQUIREMENTS.**
- H. THE REQUIRED PLANT MATERIAL SHALL BE OF NATIVE VEGETATION OR AN ACCEPTABLE EQUIVALENT SITE-TOLERANT PLANT TYPE IN ACCORDANCE WITH THIS SECTION.**
- I. THE PROPOSED PLANT MATERIAL AND LANDSCAPING REQUIREMENTS FOR THE STORMWATER MANAGEMENT FACILITY SHOULD BE DESIGNED IN A MANNER THAT WILL MINIMIZE EXCESSIVE MAINTENANCE.**
- J. IF THE SIDE SLOPES OF THE STORMWATER FACILITY ARE TOO STEEP (3:1 SLOPE OR GREATER) TO MOW AND MAINTAIN, IT IS**

RECOMMENDED THAT THEY BE PLANTED WITH ACCEPTABLE GROUND COVERS WHICH DO NOT REQUIRE MOWING.

K. THE PROPOSED REQUIRED LANDSCAPE SHALL NOT ENCROACH OR IMPEDE THE ABILITY TO ACCESS AND MAINTAIN THE STORMWATER FACILITY. WOODY VEGETATION THAT INCLUDES DECIDUOUS EVERGREEN TREES AND SHRUBS SHALL NOT BE WITHIN FIFTY FEET (50') OF AN INLET STRUCTURE, STANDPIPE, OR DRAINAGEWAY. PROPOSED VEGETATION THAT HAS EXCESSIVE LEAF AND SEED LITTER WILL NOT BE PERMITTED.

L. EXISTING ACCEPTABLE VEGETATION SHOULD BE RETAINED AROUND THE PROPOSED STORMWATER MANAGEMENT FACILITY WHERE FEASIBLE. CREDIT MAY BE APPLIED TO REQUIRED PERIMETER LANDSCAPE PLANTINGS IF EXISTING TREES CAN BE MAINTAINED AND ARE OF ACCEPTABLE SIZE AND HEALTH.

9. RECOMMENDED PLANT SPECIES FOR LANDSCAPE SCREENS:

A. MEDIUM-TO-LARGE SHADE TREES:

ACER RUBRUM	RED MAPLE
BETULA ALLEGHANIENSIS	YELLOW BIRCH
BETULA LENTA	BLACK BIRCH
BETULA NIGRA	RIVER BIRCH
FAGUS GRANDIFOLIA	AMERICAN BEECH
FRAXINUS AMERICANA	WHITE ASH
FRAXINUS PENNSYLVANICA	GREEN ASH
LIRIODENDRON TULIPFERA	TULIP POPLAR
NYSSA SYLVATICA	BLACK GUM
OSTRYA VIRGINIANA	HOPHORNBEAM / IRONWOOD
PINUS STROBES	EASTERN WHITE PINE
PLATANUS OCCIDENTALIS	SYCAMORE
QUERCUS ALBA	WHITE OAK
QUERCUS MONTANA	CHESTNUT OAK
QUERCUS PALUSTRIS	PIN OAK
QUERCUS RUBRA	RED OAK
SASSAFRAS ALBIDUM	SASSAFRAS
TILIA AMERICANA	BASSWOOD
TSUGA CANADENSIS	CANADIAN HEMLOCK

B. SMALL TREES AND SHRUBS:

ALNUS SERRULATE	SMOOTH ALDER
AMELANCHIER ARBOREA	SERVICEBERRY
ARONIA MELANOCARPA	BLACK CHOKEBERRY

CEANOTHUS AMERICANUS	NEW JERSEY TEA
CEPHALANTHUS OCCIDENTALIS	BUTTONBUSH
CERCIS CANADENSIS	REDBUD
CHIONANTHUS VIRGINICUS	WHITE FRINGETREE
CORNUS ALTERNIFOLIA	ALTERNATIVE-LEAF DOGWOOD
CORNUS AMONUM	SILKY DOGWOOD
CORNUS FLORIDA	FLOWERING DOGWOOD
CRATAEGUS PHAENOPYRUM	WASHINGTON HAWTHORN
CRATAEGUS VIRIDIS	GREEN HAWTHORN
HAMAMELIS VIRGINIANA	WITCH HAZEL
HYDRANGEA ARBORESCENS	WILD HYDRANGEA
ILEX OPACA	AMERICAN HOLLY
ILEX VERTICILLATA	WINTERBERRY
KALMIA LATIFOLIA	MOUNTAIN LAUREL
LINDERA BENZOIN	SPICEBUSH
MAGNOLIA VIRGINIANA	SWEETBAY MAGNOLIA
PHYSOCARPUS OPULIFOLIUS	NINEBARK
PRUNUS AMERICANA	WILD PLUM
RHODODENDRON MAXIMUM	ROSEBAY
RHODODENDRON PERICLYMENOIDES	PINXTER FLOWER
SALIX NIGRA	BLACK WILLOW
SALIX SERICEA	SILKY WILLOW
SANBUCUS CANADENSIS	ELDERBERRY
PARTHENOCISSUS QUINQUEFOLIA	VIRGINIA CREEPER
VACCINIUM ANGUSTIFOLIUM	LOWBUSH BLUEBERRY
VACCINIUM CORYMBOSUM	HIGHBUSH BLUEBERRY
VIBURNUM ACERIFOLIUM	MAPLE-LEAVED VIBURNUM
VIBURNUM RECOGNITUM	ARROWWOOD

10. THE FOLLOWING INVASIVE PLANTS CANNOT BE USED:

A. TREES:

ACER PLATANOIDES	NORWAY MAPLE
AILANTHUS ALTISSIMA	TREE OF HEAVEN
ALBIZIA JULIBRISSIN	MIMOSA
MORUS ALBA	WHITE MULBERRY
PAULOWNIA TOMENTOSA	EMPRESS OR PRINCESS TREE
PYRUS CALLERYANA	BRADFORD, CALLERY, OR ORNAMENTAL PEAR
QUERCUS ACUTISSIMA	SAWTOOTH OAK
ULMUS PUMILA	SIBERIAN ELM

B. SHRUBS:

ALL LIGUSTRUM SPECIES	PRIVET
BERBERIS THUNBERGII	JAPANESE BARBERRY
BERBERIS VULGARIS	EUROPEAN BARBERRY
ELAEAGNUS ANGUSTIFOLIA	RUSSIAN OLIVE
ELAEAGNUS UMBELLATE	AUTUMN OLIVE
EUONYMUS ALATUS	EUONYMUS / WINGED EUONYMUS / BURNING BUSH
LIGUSTUM OBTUSIFOLIUM	BORDER PRIVET
LIGUSTUM VULGARE	COMMON PRIVET
LONICERA MAACKI	AMUR HONEYSUCKLE
LONICERA MORROWII	MORROW'S HONEYSUCKLE
LONICERA MORROWII X TATARICA	BELL'S HONEYSUCKLE
LONICERA STANDISHII	STANDISH HONEYSUCKLE
LONICERA TATARICA	TARTARIAN HONEYSUCKLE
ROSE MULTIFLORA	MULTIFLORA ROSE
RHAMNUS CATHARTICUS	COMMON BUCKTHORN
RHAMNUS FRANGULA	GLOSSY BUCKTHORN
RUBUS PHOENICOLASIVS	WINEBERRY

C. STREET TREES. STREET TREES SHALL BE PROVIDED IN ALL RESIDENTIAL SUBDIVISIONS AND ALL NONRESIDENTIAL DEVELOPMENTS. ALL STREET TREES SHALL BE PROVIDED BY THE APPLICANT IN ACCORDANCE WITH THE FOLLOWING STANDARDS:

- 1. THE TREES SHALL BE NURSERY GROWN IN A CLIMATE SIMILAR TO THAT OF THE LOCALITY OF THE PROJECT. VARIETIES OF TREES SHALL BE SUBJECT TO THE APPROVAL OF THE AUTHORITY WHICH ACCEPTS OWNERSHIP OF THE STREET.**
- 2. ALL TREES SHALL HAVE A NORMAL HABIT OF GROWTH AND SHALL BE SOUND, HEALTHY, AND VIGOROUS; THEY SHALL BE FREE FROM DISEASE, INSECTS, INSECT EGGS, AND LARVAE.**
- 3. THE TRUNK DIAMETER, MEASURED AT A HEIGHT OF SIX INCHES (6") ABOVE FINISH GRADE, SHALL BE A MINIMUM OF TWO INCHES (2").**
- 4. TREES SHALL BE PLANTED BETWEEN THE STREET RIGHT-OF-WAY LINE AND THE BUILDING SETBACK LINE EXCEPT WHERE THE TOWN HAS AUTHORIZED PLACEMENT OF TREES WITHIN THE STREET RIGHT-OF-WAY. THE TREE'S GROWTH SHALL NOT INTERFERE WITH CLEAR SIGHT TRIANGLES. TYPICAL BRANCHING SHALL NOT BE WITHIN TEN FEET (10') OF GROUND LEVEL AFTER TEN (10) YEARS OF GROWTH.**

5. ALL PLANTING SHALL CONFORM WITH GOOD NURSERY AND LANDSCAPE PRACTICE AND TO THE STANDARDS ESTABLISHED BY THE AUTHORITY WHICH ACCEPTS OWNERSHIP OF THE PLANTING.
6. REQUIREMENTS FOR THE MEASUREMENTS, BRANCHING, GRADING, QUALITY, BALLING AND THE BURLAPPING OF TREES SHALL FOLLOW THE CODE OF STANDARDS RECOMMENDED BY THE AMERICAN ASSOCIATION OF NURSEYMEN, INC., IN THE AMERICAN STANDARD FOR NURSERY STOCK, CURRENT EDITION, AS AMENDED.
7. A MINIMUM OF TWO (2) CANOPY STREET TREES SHALL BE PROVIDED FOR EVERY ONE HUNDRED FEET (100') OF PUBLIC RIGHT-OF-WAY. STREET TREES SHALL BE PLACED A MINIMUM OF FORTY FEET (40') APART ALONG THE RIGHT-OF-WAY AND SHALL BE LOCATED SO AS TO MAXIMIZE THE GROWTH POTENTIAL OF THE PLANT MATERIAL, MINIMIZE THE POTENTIAL FOR ROOT INTERFERENCE WITH PUBLIC INFRASTRUCTURE, AND ENHANCE THE QUALITY OF THE DEVELOPMENT.
 - A. STREET TREES SHALL BE CHOSEN FROM THE SPECIES OUTLINED IN SECTION 8.20.020, AS AMENDED.
 - B. THE FOLLOWING SPECIES ARE NOT ACCEPTABLE FOR USE AS STREET TREES DUE TO BRITTLINESS, GROWING HABITS, AND EXCESSIVE LITTER:

ACER SACCHARUM	SILVER MAPLE
AESCULUS HIPPOCASTANUM	COMMON HORSECHESTNUT
CEANOTHUS AMERICANUS	NEW JERSEY TEA
CRATAEGUS	HAWTHORN (THORNY SPECIES)
FRAXINUM SPECIES	ASH FAMILY
GINKGO BILOBA	GINKGO (FEMALE SPECIES)
GLEDITSIA	HONEYLOCUST (THORNY SPECIES)
PRUNUS AMERICANA	WILD PLUM

- C. OTHER TREE SPECIES MAY BE USED, PROVIDED ACCEPTABLE INFORMATION IS SUBMITTED TO INDICATE THAT THE SPECIES ARE HARDY STREET TREES. NO ONE SPECIES SHALL COMPOSE MORE THAN TWENTY FIVE PERCENT (25%) OF THE ENTIRE NUMBER OF STREET TREES IN A PARTICULAR DEVELOPMENT.
8. STREET TREES ARE TO BE MAINTAINED AND GUARANTEED FOR A MINIMUM OF TWO (2) YEARS BY THE DEVELOPER. PLANTING OF TREES SHALL OCCUR WITHIN THE STANDARD PLANTING SEASON (MARCH THROUGH NOVEMBER). NO MORE THAN ONE THIRD (1/3RD) OF THE TREE SHALL BE DAMAGED OR DEAD WITHOUT REPLACEMENT. REPLACEMENT OF TREES SHALL CONFORM TO ALL REQUIREMENTS OF THIS SECTION AND SHALL BE MAINTAINED AND GUARANTEED FOR A MINIMUM OF TWO (2) PLANTING SEASONS.

- 9. GROUND COVER. GROUND COVER SHALL BE PROVIDED ON ALL AREAS OF THE PROJECT TO PREVENT SOIL EROSION. ALL AREAS WHICH ARE NOT COVERED BY PAVING, STONE, OR OTHER SOLID MATERIAL SHALL BE PROTECTED WITH A SUITABLE GROUND COVER CONSISTING OF SPREADING PLANTS INCLUDING SODS AND GRASSES LESS THAN EIGHTEEN INCHES (18”) IN HEIGHT.**

Chapter 16.20 – Improvements.

16.20.010 – General.

- A. THE IMPROVEMENT PLAT SHALL BE SUBMITTED WITH AN APPLICATION FOR CONSIDERATION AND AN ELECTRONIC COPY OF THE PLAT AND ALL SUBSEQUENT AMENDMENTS.**
- B. THE IMPROVEMENT PLAT SHALL BE DRAWN AT A SCALE OF 10, 20, 30, 40, OR 50 FEET TO ONE INCH (1”). SHEET SIZE SHALL BE 24 INCHES BY 36 INCHES.**
- C. All improvements [~~in a subdivision~~] shall conform with these standards and specifications, and other requirements which may be adopted by the Town, [~~or~~] Frederick County, or by such other governmental agencies which may have jurisdiction over each facility as stipulated below. Nothing, however, shall be construed as prohibiting a [~~subdivider~~] **DEVELOPER** from installing improvements of a higher type **OR QUALITY** than the minimum required herein. All water and sewer improvements shall comply with the “Frederick County [~~General Conditions and~~] Standard [~~Specifications~~] **DETAILS** for Water Mains, Sanitary Sewers, and Related Structures” unless otherwise noted in these regulations.

16.20.020 – Minimum requirements.

- A. *{A unchanged}*
- B. *{B unchanged}*
1. All fire hydrants shall be **THE M & H Model 929 WITH A FIVE-INCH (5”) STORTZ CONNECTION ON THE PUMPER NOZZLE / STEAMER CONNECTION** or as approved by the Town [~~and County Code~~].
- {2 through 9 unchanged}*
10. Emmitsburg is underlain by a hard-red shale which in many areas is close enough to the surface to interfere with utility installation. Due to the frequency of rock excavation requiring undercut and backfill, all trenches for pipe installation shall be undercut six inches below subgrade and backfilled with crusher run or stone dust. Use crusher run or stone dust as trench backfill to a point one foot above the top of the pipe. From this point on, backfill as specified in the “Frederick County [~~General Conditions and Standard Specifications~~] and [~~Standard Details.~~] **STANDARD DETAILS FOR WATER MAINS, SANITARY SEWERS, AND RELATED STRUCTURES**”.
- C. *{unchanged}*

{1 through 3 unchanged}

4. Emmitsburg is underlain by a hard-red shale which in many areas is close enough to the surface to interfere with utility installation. Due to the frequency of rock excavation requiring undercut and backfill, all trenches for pipe installation shall be undercut six inches below subgrade and backfilled with granular material. Use granular material as trench backfill to a point one foot above the top of the pipe. From this point on, backfill as specified in the “Frederick County [~~“General Conditions and Standard Specifications” and “Standard Details.”~~]
STANDARD DETAILS FOR WATER MAINS, SANITARY SEWERS, AND RELATED STRUCTURES”.

{D through F unchanged}

G. Monuments and Pipes. Permanent monuments shall be placed **BY A LICENSED SURVEYOR**, as required for markers in [~~Article 17, Section 59 of the 1957 edition of~~] the Annotated Code of Maryland, **AS AMENDED** [~~(or as revised and/or amended)~~]. After grading is completed, the **DEVELOPER AND/OR** subdivider must **ESTABLISH** that monuments are at proper locations. Iron pipes shall be set along the property line of all streets and roads at points of intersection, curvature or tangency, and at such points along the **DEVELOPMENT AND/OR** subdivision boundaries not already marked by monuments.

H. Street Lighting. Every **DEVELOPMENT AND/OR** subdivision shall be provided with streetlights. A separate street lighting plan shall be submitted with the improvement [~~plans~~]
PLAT AND SHALL MEET THE SPECIFICATIONS SET FORTH IN §16.20.030.E AND §17.08.230.

{I through O unchanged}

16.20.030 – Improvement [~~plans~~] **PLATS.**

{A through D unchanged}

E. Street Lights. Location plan and details for proposed streetlights shall be submitted. Minimum requirements include:

1. All lighting shall be [~~high pressure sodium~~] **LIGHT-EMITTING DIODE (LED)**;
2. *{unchanged}*
3. Maximum height of street lights shall be fifteen [~~(15)~~] feet (**15'**) in residential zones and twenty [~~(20)~~] feet (**20'**) in [~~commercial and industrial~~] **NONRESIDENTIAL** zones;
4. *{unchanged}*
5. All applicable County and **NATIONAL ELECTRICAL CODE (NEC)** regulations shall be adhered to;
6. The style of light fixtures shall be approved by the Planning Commission and the Mayor [~~and Commissioners~~];

7. *{unchanged}*
8. Lighting Standards.
 - a. Maintain a minimum of .25 foot-candles of light on local access streets. At street intersections, a minimum of .5 foot-candles[;] ;
 - b. Maintain a minimum of .5 foot-candles of light on all collector streets[;] ;
 - c. In [~~commercial~~] **NONRESIDENTIAL** areas, maintain a minimum of 1.0 foot-candles of light at street level [~~; in all parking areas and pedestrian walking areas.~~] ; **AND**
 - d. **PARKING AREAS, MAIN ENTRANCES, AND EXITS, WHICH ARE OPEN TO THE PUBLIC, SHALL BE LIGHTED TO A MINIMUM AVERAGE OF TWO (2) FOOT-CANDLES AND A MAXIMUM OF SIX (6) FOOT-CANDLES.**
9. **THE PLANNING COMMISSION MAY REQUIRE LIGHTS ALONG PROPOSED STREETS AND AT KEY INTERSECTION LOCATIONS, WHERE DEEMED NECESSARY.**
10. **ALL LIGHTING SHALL BE DIRECTED DOWNWARD AND INWARD TO THE SITE. PROPOSED CANOPY LIGHTS SHALL BE FULLY RECESSED AND LIGHT FIXTURES WITHIN PARKING COMPOUNDS SHALL BE EQUIPPED WITH CUTOFF SHIELDS.**

~~[16.20.050—Improvement plans review fees.~~

~~To partially defray the expense of reviewing improvement plans, a fee shall be paid to the Town. This fee must be paid prior to entering into a public works agreement with the Town. Fee shall be two hundred dollars (\$200.00) per sheet. (Includes title sheet, plans, profiles, miscellaneous and special details, excludes those sheets reviewed by county, state agencies for required permits.)]~~

CHAPTER 16.22 – SKETCH PLATS

16.22.010 - SKETCH PLAT SPECIFICATIONS.

- A. THE SKETCH PLAT SHALL SHOW THE FOLLOWING INFORMATION:**
 - 1. GENERAL INFORMATION. THE APPLICANT SHALL PROVIDE A NARRATIVE DESCRIBING THE PROPOSED SUBDIVISION OR IMPROVEMENT THAT SHALL ADDRESS THE FOLLOWING ITEMS:**
 - A. PURPOSE AND SCOPE OF THE SUBDIVISION OR IMPROVEMENT.**
 - B. EXISTING LAND USE PATTERNS AND CONDITIONS OF SUBJECT TRACT AREA AND CONTIGUOUS PARCELS.**
 - C. MAJOR DEVELOPMENT FEATURE(S).**

D. PROVISIONS FOR WATER SUPPLY AND SEWAGE DISPOSAL.

E. HISTORICAL SITES.

- 2. LOCATION MAP. PROVIDE A MAP (MINIMUM SCALE ONE INCH (1") EQUALS 2,000 FEET) SHOWING THE PROPOSED SUBDIVISION OR IMPROVEMENT'S LOCATION WITH RESPECT TO THE EXISTING COMMUNITY FACILITIES, LOCAL STREET SYSTEMS, AND MUNICIPAL BOUNDARIES.**
- 3. SKETCH PLAT. PROVIDE A DRAWING OF THE PROPOSED SUBDIVISION OR IMPROVEMENT WITH THE FOLLOWING FEATURES:**
 - A. SHEET SIZE SHALL BE 24 INCHES BY 36 INCHES.**
 - B. NAME AND ADDRESS OF DEVELOPER AND/OR OWNER, NAME OF MUNICIPALITY, PROPOSED NAME OF THE DEVELOPMENT, NORTH ARROW, AND DATE.**
 - C. TRACT BOUNDARIES.**
 - D. NUMBER OF ACRES IN TRACT, AVERAGE LOT SIZE, APPROXIMATE NUMBER OF LOTS, ANTICIPATED TYPE OF DEVELOPMENT.**
 - E. EXISTING AND PROPOSED STREETS, HIGHWAYS, RIGHTS-OF-WAY, SEWERS, WATER MAINS, FIRE HYDRANTS, AND STORM SEWERS.**
 - F. PROPOSED GENERAL LOT LAYOUT.**
 - G. ALL PUBLIC FACILITIES SUCH AS SCHOOLS AND PARKS.**
 - H. PREDOMINANT NATURAL FEATURES SUCH AS WOODED AREAS, STREAMS, WETLANDS, FLOODPLAINS, AND OTHERS AS ADDRESSED IN THE TOWN'S COMPREHENSIVE PLAN.**
 - I. A LOCATION MAP FOR THE PURPOSE OF LOCATING OTHER STREETS, DEVELOPMENTS, RECREATION AREAS, AND RIGHTS-OF-WAY TO BETTER PLAN THE PROPERTY LOCATIONS OF THE SAME.**
 - J. TOPOGRAPHY, SHOWING CONTOURS AT VERTICAL INTERVALS OF FIVE FEET (5') OR AS REQUIRED BY THE TOWN ENGINEER.**
 - K. NAME OF THE ENGINEER, SURVEYOR, OR OTHER QUALIFIED PERSON RESPONSIBLE FOR THE MAP(S).**

4. THE SKETCH PLAT SHOULD BE DRAWN TO SCALE; HOWEVER, APPROXIMATE DIMENSIONS WILL BE ACCEPTED. THE PLAT MAY BE A SIMPLE SKETCH DRAWN ON A TOPOGRAPHIC MAP.

Chapter 16.24 – Preliminary Plats.

16.24.020 – [~~General style and form~~] **PRELIMINARY PLAT SPECIFICATIONS.**

- A. [~~Provide Information. It shall provide all the pertinent information as to existing site conditions, property ownership, and the like, that may be necessary for the planning commission and mayor and commission to properly consider the proposed subdivision. This information shall be accurate and reliable.~~] **THE PRELIMINARY PLAT SHALL BE SUBMITTED WITH AN APPLICATION FOR CONSIDERATION OF A SUBDIVISION PLAT AND AN ELECTRONIC COPY OF THE PLAT AND ALL SUBSEQUENT AMENDMENTS.**
- B. [~~Show Plan of Development. It shall show the general plan of ultimate development for the property, covering the entire tract of land or so much of it as may be considered to be necessary for an adequate consideration of the part to be subdivided. This information should be drawn to scale.~~] **THE PRELIMINARY PLAT SHALL BE DRAWN AT A SCALE OF 10, 20, 30, 40, OR 50 FEET TO ONE INCH (1"). SHEET SIZE SHALL BE 24 INCHES BY 36 INCHES. THE PRELIMINARY PLAT SHALL SHOW THE FOLLOWING INFORMATION:**
- 1. PROPOSED SUBDIVISION NAME OR IDENTIFYING TITLE.**
 - 2. THE MUNICIPALITY OR MUNICIPALITIES IN WHICH THE SUBDIVISION IS LOCATED. IF THE PROJECT IS LOCATED IN THE VICINITY OF A MUNICIPAL BOUNDARY, THE LOCATION OF SAID BOUNDARY SHALL BE SHOWN ON THE PLAN.**
 - 3. NORTH POINT, SCALE, AND DATE.**
 - 4. NAME AND ADDRESS OF THE OWNER OF THE PROPERTY OR AUTHORIZED AGENT.**
 - 5. NAME, SEAL, AND SIGNATURE OF THE REGISTERED ENGINEER AND REGISTERED SURVEYOR RESPONSIBLE FOR THE PLAN.**
 - 6. TOTAL ACREAGE OF THE TRACT.**
 - 7. MAXIMUM BUILDING HEIGHT, NUMBER OF LOTS, PROPOSED DENSITY, AND MINIMUM LOT SIZE.**
 - 8. SIGNATURE BLOCKS FOR APPROVAL BY THE MAYOR, PLANNING COMMISSION CHAIRPERSON, AND FREDERICK COUNTY DEPARTMENT OF HEALTH.**
 - 9. LENGTH, WIDTH, AND TENTATIVE GRADES OF NEW STREETS PROPOSED.**
 - 10. TYPE AND LOCATIONS OF WATER SUPPLY AND SEWAGE DISPOSAL FACILITIES PROPOSED.**
 - 11. PROPOSED USE OF LAND, EXISTING ZONING CLASSIFICATION FOR THE PROPERTY AND ALL SURROUNDING PROPERTIES, AND PROOF OF ANY VARIANCES OR SPECIAL EXCEPTIONS WHICH MAY HAVE BEEN GRANTED.**

12. A LOCATION MAP FOR THE PURPOSE OF LOCATING THE SITE IN RELATION TO THE SURROUNDING NEIGHBORHOOD AND COMMUNITY. THE LOCATION MAP SHOULD BE AT A SCALE OF NOT LESS THAN 2,000 FEET TO ONE INCH (1").
13. TRACT BOUNDARIES CLEARLY SHOWING BEARINGS AND DISTANCES. LOT LINE DESCRIPTIONS SHALL READ IN A CLOCKWISE DIRECTION.
14. SOURCE OF TITLE OF ALL EXISTING LOTS.
15. PROPOSED CONTOURS AT FIVE-FOOT (5') VERTICAL INTERVALS OR AS AUTHORIZED BY THE TOWN ENGINEER.
16. DATUM TO WHICH CONTOUR ELEVATIONS REFER. WHERE REASONABLY PRACTICABLE, DATA SHALL REFER TO U.S. COASTAL AND GEODETIC SURVEY DATUM.
17. THE NAMES OF OWNERS IMMEDIATELY ADJACENT LAND, THE NAMES OF PROPOSED OR EXISTING DEVELOPMENTS IMMEDIATELY ADJACENT, AND THE LOCATIONS AND DIMENSIONS OF ANY STREETS OR EASEMENTS SHOWN THEREON WHICH ABUT THE LAND TO BE DEVELOPED.
18. SOIL TYPES.
19. ALL EXISTING WATERCOURSES, TREE MASSES, AND OTHER SIGNIFICANT NATURAL FEATURES, SUCH AS ROCK OUTCROPS, SPRINGS, SEEPS, WETLANDS, AND FLOODPLAINS.
20. ALL EXISTING BUILDINGS, SEWERS, WATER MAINS, CULVERTS, PETROLEUM LINES, TELEPHONE AND ELECTRICAL LINES, GAS LINES, FIRE HYDRANTS, AND OTHER MAN-MADE FEATURES, INCLUDING SIZE, TYPE, LOCATION, AND OWNERSHIP.
21. ALL EXISTING STREETS ON, ADJACENT TO, OR WITHIN TWO HUNDRED FEET (200') OF ANY PART OF THE TRACT, INCLUDING NAME, RIGHT-OF-WAY WIDTH, AND CARTWAY WIDTH.
22. ALL EXISTING PROPERTY LINES, EASEMENTS AND RIGHTS-OF-WAY AND THE PURPOSE FOR WHICH THE EASEMENTS OR RIGHTS-OF-WAY HAVE BEEN ESTABLISHED, WITH ACCURATE DIMENSIONS, BEARINGS OR DEFLECTION ANGLES AND RADII, ARCS, AND CENTRAL ANGLES OF ALL CURVES. TRANSMISSION LINE EASEMENTS FOR GAS, ELECTRIC, AND PETROLEUM LINES SHALL BE SPECIFICALLY NOTED AS SUCH. SPECIAL CONDITIONS REQUIRED BY THESE EASEMENTS SHALL BE NOTED ON THE PLAN.
23. BLOCKS AND LOTS SHALL BE NUMBERED IN CONSECUTIVE ORDER (E.G., BLOCK A, LOTS 1 – 10; BLOCK B, LOTS 11 – 22).
24. LOCATION OF ALL PROPOSED BUILDINGS AND OTHER SIGNIFICANT PROPOSED MAN-MADE FEATURES.
25. LOCATION, DIMENSIONS, AND PURPOSE OF ALL PROPOSED STREETS, ALLEYS, SIDEWALKS, RIGHTS-OF-WAY AND EASEMENTS, PROPOSED LOT LINES WITH DIMENSIONS, DRIVEWAY ACCESS POINTS ON ALL LOTS WHERE PROPOSED, SHARED DRIVEWAYS, PROPOSED MINIMUM

BUILDING SETBACK LINE AND DIMENSIONS FOR EACH STREET, PLAYGROUNDS, PUBLIC BUILDINGS, PUBLIC AREAS, AND PARCELS OF LAND PROPOSED TO BE DEDICATED OR RESERVED FOR PUBLIC USE.

- 26. THE LOCATION OF EXISTING LOT LINE MARKERS ALONG THE PERIMETER OF THE ENTIRE EXISTING TRACT.**
 - 27. LOCATION, DIMENSIONS, AND PURPOSE OF ALL PROPOSED SANITARY SEWER, WATER, STORM SEWER, AND STORMWATER MANAGEMENT FACILITIES.**
 - 28. WHERE THE PRELIMINARY PLAT COVERS ONLY A PART OF THE DEVELOPER'S ENTIRE HOLDING, A SKETCH SHALL BE REQUIRED OF THE PROSPECTIVE STREET LAYOUT FOR THE REMAINDER.**
 - 29. THE LOCATION AND CONFIGURATION OF PROPOSED PARKING FACILITIES AND ACCESS DRIVES.**
 - 30. A NOTARIZED STATEMENT TO THE EFFECT THAT THE APPLICANT IS THE OWNER OF THE LAND PROPOSED TO BE DEVELOPED AND THAT THE IMPROVEMENTS SHOWN ON THE PRELIMINARY PLAT ARE MADE WITH THE APPLICANT'S FREE CONSENT.**
 - 31. RECREATION AND OPEN SPACE AREAS.**
 - 32. LOCATION AND SIGHT DISTANCES OF DRIVEWAY ACCESS POINTS.**
 - 33. WHEN PHASING OF THE DEVELOPMENT IS PROPOSED, PLANS SHALL ILLUSTRATE A PHASING PLAN THAT INCLUDES ALL PLAN ELEMENTS REQUIRED BY THIS CHAPTER.**
 - 34. WHERE THE PLAN PROPOSES THE CREATION OF ANY NEW STREETS, THE APPLICATION SHALL BE ACCOMPANIED BY A LISTING OF PROPOSED STREET NAMES, WHICH SHALL BE REVIEWED BY THE APPROPRIATE OFFICIALS OF THE TOWN OF EMMITSBURG AND THE UNITED STATES POSTAL SERVICE TO DETERMINE THAT THE SAME ARE NOT IDENTICAL OR DECEPTIVELY SIMILAR TO ANY EXISTING STREET NAME.**
 - 35. A STATEMENT ON THE PLAN INDICATING ANY ZONING AMENDMENT, SPECIAL EXCEPTION, OR VARIANCE, IF APPLICABLE.**
 - 36. A STATEMENT ON THE PLAN INDICATING ANY EXISTING OR PROPOSED MODIFICATIONS GRANTED BY THE PLANNING COMMISSION.**
 - 37. RADIUS OF STREETS AND TURNAROUNDS.**
- C. ~~[Drawing Material. It may be drawn in pencil or ink, in a reproducible material, and shall be at a scale no smaller than one inch per one hundred (100) feet.]~~ **IF APPLICABLE, THE PRELIMINARY PLAT SHALL BE ACCOMPANIED BY:**
- 1. ADEQUATE PUBLIC FACILITIES DETERMINATION OF ADEQUACY REPORT IN ACCORDANCE WITH CHAPTER 14.04.**
 - 2. FOREST STAND DELINEATION AND FOREST CONSERVATION PLANS IN ACCORDANCE WITH CHAPTER 16.44.**
 - 3. MAXIMUM DENSITY AND/OR UNIT YIELD PLAN IN ACCORDANCE WITH TITLE 17, SHOWING THE TOTAL ACREAGE OF THE TRACT AND**

CONSTRAINED LAND AREA, WITH DETAILED SUPPORTING CALCULATIONS.

- 4. COMMUNITY ASSOCIATION DOCUMENT. A COMMUNITY ASSOCIATION DOCUMENT, ALSO KNOWN AS A “HOMEOWNERS’ ASSOCIATION DOCUMENT” OR A “CONDOMINIUM ASSOCIATION DOCUMENT”, SHALL BE PROVIDED FOR ALL SUBDIVISION APPLICATIONS WHICH PROPOSE LANDS OR FACILITIES TO BE USED OR OWNED IN COMMON BY ALL THE RESIDENTS OF THAT SUBDIVISION AND NOT DEEDED TO THE MUNICIPALITY. THE ELEMENTS OF THE COMMUNITY ASSOCIATION DOCUMENT SHALL INCLUDE, BUT NOT BE LIMITED TO, THE FOLLOWING:**
 - A. A DESCRIPTION OF ALL LANDS AND FACILITIES TO BE OWNED BY THE COMMUNITY ASSOCIATION. THE DESCRIPTION SHALL INCLUDE A MAP OF THE PROPOSAL HIGHLIGHTING THE PRECISE LOCATION OF THOSE LANDS AND FACILITIES.**
 - B. STATEMENTS SETTING FORTH THE POWERS, DUTIES, AND RESPONSIBILITIES OF THE COMMUNITY ASSOCIATION, INCLUDING THE SERVICES TO BE PROVIDED.**
 - C. A DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS, GIVING PERPETUAL EASEMENT TO THE LANDS AND FACILITIES OWNED BY THE COMMUNITY ASSOCIATION. THE DECLARATION SHALL BE A LEGAL DOCUMENT WHICH ALSO PROVIDES FOR AUTOMATIC ASSOCIATION MEMBERSHIP FOR ALL OWNERS IN THE SUBDIVISION OR IMPROVEMENT AND SHALL DESCRIBE THE MECHANISM BY WHICH OWNERS PARTICIPATE IN THE ASSOCIATION, INCLUDING VOTING, ELECTIONS, AND MEETINGS. FURTHERMORE, IT SHALL GIVE POWER TO THE ASSOCIATION TO OWN AND MAINTAIN THE COMMON PROPERTY AND TO MAKE AND ENFORCE RULES.**
 - D. STATEMENTS PRESCRIBING THE PROCESS WHICH COMMUNITY ASSOCIATION DECISIONS ARE REACHED AND SETTING FORTH THE AUTHORITY TO ACT.**
 - E. STATEMENTS REQUIRING EACH OWNER WITHIN THE SUBDIVISION TO BECOME A MEMBER OF THE COMMUNITY ASSOCIATION.**
 - F. STATEMENTS SETTING CROSS-COVENANTS OR CONTRACTUAL TERMS BINDING EACH OWNER TO ALL OTHER OWNERS FOR MUTUAL BENEFIT AND ENFORCEMENT.**
 - G. REQUIREMENTS FOR ALL OWNERS TO PROVIDE A PRO RATA SHARE OF THE COST OF THE OPERATIONS OF THE COMMUNITY ASSOCIATION.**
 - H. A PROCESS OF COLLECTION AND ENFORCEMENT TO OBTAIN FUNDS FROM OWNERS WHO FAIL TO COMPLY.**
 - I. A PROCESS FOR TRANSITION OF CONTROL OF THE COMMUNITY ASSOCIATION FROM THE DEVELOPER TO THE UNIT OWNERS.**

J. STATEMENTS DESCRIBING HOW THE LANDS AND FACILITIES OF THE COMMUNITY ASSOCIATION WILL BE INSURED, INCLUDING LIMIT OF LIABILITY.

K. PROVISIONS FOR THE DISSOLUTION OF THE COMMUNITY ASSOCIATION, IN THE EVENT THE ASSOCIATION SHOULD BECOME UNVIABLE, INCLUDING PROVISIONS REQUIRING INDIVIDUAL UNIT OWNERS' RESPONSIBILITY FOR MAINTENANCE OF COMMON AREAS AND PRIVATE STREETS AFTER THE DISSOLUTION OF THE ASSOCIATION.

~~[D. Include Key Map. It shall include a small scale key map showing the location of the property and its relation to other known major subdivisions, roads, streams, etc.]~~

~~[E. Title Information.~~

- ~~1. Proposed subdivision name, which shall not duplicate nor closely approximate the name of any other subdivision in the county;~~
- ~~2. Names and addresses of owner, subdivider or developer, and the designer, surveyor or engineer;~~
- ~~3. Description of subdivision location by streets, tract, political subdivision, etc.;~~
- ~~4. Scale, north point, and date.]~~

~~[16.24.030 Information as to existing physical conditions.~~

- ~~A. Boundaries. Boundaries of the land being subdivided in heavy outline, and the acreage therein.~~
- ~~B. Topography. Topographic contours at five foot intervals. Contours shall extend one hundred (100) feet beyond the subdivision boundary except across a public road.~~
- ~~C. Physical Features. Water courses, wooded area, buildings, transmission lines, pipe lines, other utilities, bridges, and any other significant physical items, with the sizes and grades of any water or sewer lines.~~
- ~~D. Streets and Roads. Locations, widths, and names of all existing roads, streets, alleys, or other public ways within or adjoining the subdivision or intersecting any street that bounds it including those recorded but unimproved (shown by dotted lines) railroad, utility, or other rights of way or easements, parks, and other public spaces, subdivisions, lots, and property lines; corporate lines and the locations and outlines of permanent buildings.]~~

~~[16.24.040 Information as to proposed development.~~

- ~~A. Street Pattern. Layout, widths, center line, proposed roads, streets, alleys, crosswalks, and easements.~~
- ~~B. Lots. Layout, numbering, and dimensions of proposed lots or parcels.~~
- ~~C. Open Spaces. Parcels of land intended to be conveyed or temporarily reserved for public use or for the joint use of property owners, with an explanation of the provisions or conditions of such conveyance or reservation and the proposed arrangements for ownership and maintenance.~~
- ~~D. Street Grades. Tentative grades on each street.~~
- ~~E. Utilities. Locations for utilities and drainage facilities, with six foot easements for same on each side of rear and side property lines.~~
- ~~F. Building Setback. Proposed building lines along all streets, with the amount of setback indicated.~~
- ~~G. Proposed Zoning Change. Proposed uses of property and any proposed zoning changes.]~~

Chapter 16.28 – Final Plats

16.28.020 – [~~General style and form.~~] **FINAL PLAT SPECIFICATIONS.**

- A. [~~Drawing. It shall be legibly and accurately drawn on tracing linen or mylar sheets no larger than twenty (20) inches x twenty four (24) inches in size, and at a scale of one inch to fifty (50) feet, or one inch to one hundred (100) feet, depending upon the size and nature of the subdivision. If more space is needed, additional sheets may be used.~~] **THE FINAL PLAT SHALL BE SUBMITTED WITH AN APPLICATION FOR CONSIDERATION OF A SUBDIVISION PLAT AND AN ELECTRONIC COPY OF THE PLAT AND ALL SUBSEQUENT AMENDMENTS.**
- B. [~~Meet Platting Requirements. It shall conform in all respects to the requirements of Article 17, Section 59, of the Annotated Code of Maryland, which relates to the making, filing, and recording of plats. Among other things, the Article above requires that plats for recording must be surveyed and certified by a registered surveyor.~~] **THE FINAL PLAT SHALL BE DRAWN AT A SCALE OF 10, 20, 30, 40, OR 50 FEET TO ONE INCH (1”). SHEET SIZE SHALL BE 18 INCHES BY 24 INCHES. THE FINAL PLAT SHALL SHOW THE FOLLOWING INFORMATION:**
- 1. DETAILS SHALL INCLUDE ALL APPLICABLE INFORMATION IN ACCORDANCE WITH CHAPTER 16.24.**
 - 2. CERTIFICATION OF TITLE SHOWING THAT THE APPLICANT IS THE OWNER OF THE LAND.**
 - 3. CERTIFICATION BY A LICENSED SURVEYOR AND LICENSED ENGINEER CERTIFYING TO THE ACCURACY OF SURVEY AND PLAT.**
 - 4. PRIMARY CONTROL POINTS, APPROVED BY THE TOWN ENGINEER, OR DESCRIPTION AND “TIES” TO SUCH CONTROL POINTS, TO WHICH ALL DIMENSIONS, ANGLES, BEARINGS, AND SIMILAR DATA ON THE PLAT SHALL BE REFERRED.**
 - 5. SUFFICIENT DATA TO DETERMINE READILY THE LOCATION, BEARING AND LENGTH OF EVERY STREET, LOT AND BOUNDARY LINE AND TO REPRODUCE SUCH LINES UPON THE GROUND. SUCH DATA TO BE TIED IN TO MONUMENTS AS REQUIRED.**
 - 6. ALL DIMENSIONS AND ANGLES OR BEARINGS OF THE LINES OF EACH LOT AND OF EACH AREA PROPOSED TO BE DEDICATED TO PUBLIC USE AND THE PURPOSE FOR SUCH AREAS. ANY SHARED OR COMMON DRIVEWAYS BETWEEN OR AMONG LOTS SHALL BE CLEARLY DELINEATED AND MAINTENANCE AGREEMENTS FOR SUCH DRIVEWAYS SHALL BE INCLUDED.**
 - 7. ALL DIMENSIONS SHALL BE SHOWN IN FEET AND HUNDREDTHS OF A FOOT.**
 - 8. THE LOCATION AND MATERIALS FOR PERMANENT REFERENCE MONUMENTS SHALL BE SHOWN ON THE PLAT.**
 - 9. STATEMENT OF OWNER DEDICATING STREETS, RIGHTS-OF-WAY, AND ANY SITES FOR PUBLIC USE WHICH ARE TO BE DEDICATED.**

10. THE FINAL GRADING PLAN SHALL INCLUDE FINISH FLOOR ELEVATIONS FOR PROPOSED STRUCTURES AND SPOT ELEVATIONS AS NEEDED TO CLARIFY PROPOSED GRADES.

11. PLATS MUST BE PREPARED IN PERMANENT BLACK INK.

12. PLATS SHALL BE LEGIBLE IN ALL DETAILS.

13. WHEN PHASING OF THE DEVELOPMENT IS PROPOSED, PLATS SHALL ILLUSTRATE A PHASING PLAN THAT INCLUDES ALL PLAN ELEMENTS REQUIRED BY THIS CHAPTER.

~~[C. Title Information.~~

- ~~1. Subdivision name;~~
- ~~2. Location by election districts, city or county and state;~~
- ~~3. Names and addresses of the owners of record, the subdivider, and the engineer or surveyor;~~
- ~~4. Scale, date, and north point;~~
- ~~5. A map to scale showing location in county.]~~

~~[16.28.030 Graphic information.~~

- ~~A. [Boundaries. Exact boundaries of the area included within the subdivision with dimensions to hundredths of a foot and bearings to half minutes. These boundaries shall be determined by an accurate survey in the field, which shall be balanced and closed with an error of closure not to exceed one in five thousand (5,000).]~~
- ~~B. [Bearings and Distances. Bearings and distances to the nearest recorded property corners or other monuments which shall be located or accurately described on the plat.]~~
- ~~C. [Monuments. The accurate locations and descriptions of all permanent monuments. Where applicable and feasible the coordinates of all permanent markers or monuments should be based on the Maryland Coordinate System, (Lambert Conformal Conic Project, adopted by Act of General Assembly 1939, Chapter 628).]~~
- ~~D. [Adjoining Owners. Names and locations of adjoining subdivisions and the locations and ownership of adjoining unsubdivided property.]~~
- ~~E. [Adjoining Roads. Exact locations, width, and name of each existing or recorded road or street adjoining or intersecting the boundaries of the tract.]~~
- ~~F. Engineering Data. The exact location and width of every road, street, alley, easement, or other public or private way within the tract, with the length and bearing of every tangent, length of arcs, radii, internal angles, point of curvature, and any other necessary engineering data; with the names of such ways, and the purpose of easements or other ways. Accurate location of every lot line with its dimension to hundredths of a foot and bearings to minutes.~~
- ~~G. Street Names. A name must be given to all new streets, drives, and cul-de-sacs according to the requirements in Section 16.20.030(O).~~
- ~~H. Setback Lines. Minimum building setback lines on all lots.~~
- ~~I. Numbering. Blocks lettered in alphabetical order, and lots numbered in numerical order.~~
- ~~J. Public Lands. Accurate outlines or any areas dedicated or reserved for public use, or for any other purpose except sale, with the purpose indicated.~~

~~K. Lot Area. Accurate area of each lot or parcel, other than public ways.~~

~~L. Municipal Lines. Accurate location of the municipal or district line traversing or closely related to the tract.~~

~~M. Drainage Lines. Existing and relocated courses of any water courses traversing the tract, with the right of way or easement lines provided therefore.]~~

~~[16.28.040 Certificates and other information:~~

~~A. Owner's Certificate. Owner's certificate, signed and notarized, acknowledging ownership of the property and agreeing to the subdividing thereof as shown on the plat also offering for dedication all streets and other ways and places intended for public use.~~

~~B. Engineer's Certificate. Certificate of the surveyor to the effect that the plat represents a survey made by him, that it is accurate to the best of his knowledge, and that all monuments and pipes indicated thereon actually exist and their locations and descriptions are correctly shown, and that all requirements of these subdivision regulations and of other applicable laws have been fully complied with.~~

~~C. Agencies Approvals. A space shall be provided for certificate of approval by the chairman of the planning commission and signed by the mayor. In case any part of the subdivision is located within the jurisdiction of the county, an additional space should be provided for certificate of approval by the chairman of the county planning commission.~~

~~D. Protective Covenant. Protective covenants which apply to all the area as shown by the recorded plat shall be part of the recorded plat.]~~

Chapter 16.32 - Modifications and Exceptions

16.32.010 – Variations for self-contained developments.

The general principles and standards of subdivision development stipulated in Chapters 16.16 and 16.20 may be ~~[varied]~~ **MODIFIED** by the Mayor and **PLANNING** Commission in a case of a subdivision large enough to constitute a more-or-less self-contained neighborhood to be developed in accordance with the comprehensive plan safe-guarded by appropriate restrictions, which in the ~~[judgement]~~ **JUDGMENT** of the Mayor and **PLANNING** Commission make adequate provisions for all essential conditions provided, however, that no modification shall be granted which would conflict with the intent of the Town or County Master ~~[highway]~~ **TRANSPORTATION** plans or of any other part of the Town or County comprehensive Development Plan, or with the intent and purpose of these regulations and the Town ~~[or County]~~ Zoning Ordinance[s]; and provided that the Town or County shall not be obligated to accept any improvements constructed under the permission granted through this chapter.

Chapter 16.36 – Fees.

16.36.010 – ~~[Final plat]~~ **ANNEXATION** fees.

~~[Fees shall be paid by the subdivider for each final plat, when submitted to the Planning Commission as designated in policy No. P99-03 Review Fees.]~~ **ANNEXATION REVIEW FEES SHALL BE ESTABLISHED FROM TIME TO TIME BY POLICY, RESOLUTION, OR ORDINANCE BY THE TOWN AND SHALL BE PAID FOR BY THE APPLICANT AT THE TIME OF APPLICATION.**

16.36.020 – [~~Base review~~] **SKETCH PLAT** feeS.

[~~A base review fee shall be paid by the subdivider for each preliminary plat, plus a per lot fee as designated in policy No. P99-03 Review Fees.~~] **SKETCH PLAT REVIEW FEES SHALL BE ESTABLISHED FROM TIME TO TIME BY POLICY, RESOLUTION, OR ORDINANCE BY THE TOWN AND SHALL BE PAID FOR BY THE APPLICANT AT THE TIME OF APPLICATION.**

16.36.030 – [~~Lot~~] **PRELIMINARY SUBDIVISION PLAT** feeS.

[~~A base fee plus a fee per lot shown on the final plat shall be paid to as designated in policy No. P99-03 Review Fees to partially cover the cost of considering, examining, and checking the plat as required in this regulation.~~] **PRELIMINARY PLAT REVIEW FEES SHALL BE ESTABLISHED FROM TIME TO TIME BY POLICY, RESOLUTION, OR ORDINANCE BY THE TOWN AND SHALL BE PAID FOR BY THE APPLICANT AT THE TIME OF APPLICATION.**

16.36.040 – **FINAL SUBDIVISION PLAT FEES.**

FINAL PLAT REVIEW FEES SHALL BE ESTABLISHED FROM TIME TO TIME BY POLICY, RESOLUTION, OR ORDINANCE BY THE TOWN AND SHALL BE PAID FOR BY THE APPLICANT AT THE TIME OF APPLICATION.

16.36.050 – **IMPROVEMENT PLAT FEES.**

IMPROVEMENT PLAT REVIEW FEES SHALL BE ESTABLISHED FROM TIME TO TIME BY POLICY, RESOLUTION, OR ORDINANCE BY THE TOWN AND SHALL BE PAID FOR BY THE APPLICANT AT THE TIME OF APPLICATION.

BE IT FURTHER RESOLVED, ENACTED AND ORDAINED that this Ordinance shall take effect on the date on which the Mayor approves the Ordinance after passing by the Board of Commissioners or on the date on which the Board of Commissioners passes the Ordinance over the veto of the Mayor.

PASSED this ___ day of _____, 2020
by a vote of _____ for, _____ against, _____ absent, and _____ abstain.

ATTEST:

EMMITSBURG BOARD OF COMMISSIONERS:

Madeline Shaw, Town Clerk

Clifford Sweeney, President

MAYOR

_____ APPROVED _____ VETOED

this _____ day of _____, 2020.

Donald N. Briggs, Mayor

I hereby certify that the foregoing Ordinance has been posted as required by Chapter 2.04 of the Emmitsburg Municipal Code.

Madeline Shaw, Town Clerk
Date: