

For Discussion – March 24 and April 14 2021  
Introduction – March 24 2021 by duPont and Bibb  
Public Hearing – April 14 2021  
Adopted - April 14 2021  
Enacted – May 5 2021

## **ORDINANCE NO. 521**

### **AN ORDINANCE TO REPEAL CHAPTERS 110 (SITE PLAN REVIEW) AND 290 (SUBDIVISION OF LAND) AND REENACT CHAPTER 110 OF THE CODE OF THE TOWN OF ST. MICHAELS AS THE TOWN'S SITE PLAN REVIEW AND LAND SUBDIVISION ORDINANCE FOR BETTER ORGANIZATION AND USE.**

**WHEREAS**, the Commissioners of St. Michaels (the “Commissioners”), a Municipal Corporation, have been delegated certain powers pursuant to the Maryland Annotated Code, Local Government Code, Division II, and Land Use Article, Division II to govern site plan review and subdivision of land within its municipal boundaries; and

**WHEREAS**, the Commissioners have the power to repeal Chapter 290 Subdivision of Land and amend Chapter 110 Site Plan Review of the St. Michaels Town Code to create one cohesive ordinance; and

**WHEREAS**, beginning in September of 2020 members of the St. Michaels Planning Commission (the “Planning Commission”), Town staff, and a consultant engaged by the Town, undertook a complete update of the Town’s Site Plan Review and Subdivision of Land Ordinances codified as Chapters 110 and 290 of the Code of the Town of St. Michaels whereby the two chapters were combined and recommended revisions thereto were reviewed and discussed; and

**WHEREAS**, the Planning Commission held at least five work sessions to discuss proposed revisions to the Site Plan Review and Land Subdivision Ordinance, all of which were open to the public; and

**WHEREAS**, on January 26, 2021, the Planning Commission held public hearing regarding the draft revised Site Plan Review and Land Subdivision Ordinance; and

**WHEREAS**, the Planning Commission recommend that the Commissioners approve a text amendment repealing Chapters 290 and 110 and reenacting the Site Plan Review and Land Subdivision Ordinance to incorporate the revisions and recommendations of the Planning Commission, and the public; and

**WHEREAS**, having considered the recommendations of the Planning Commission and Staff, as well as the comments made during the April 14, 2021 public hearing, the Commissioners are desirous of repealing Chapters 290 and 110 and reenacting Chapter 110 Site Plan Review and

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Land Subdivision of the Town Code to incorporate the revisions and recommendations of the Planning Commission, and the public; and

**WHEREAS**, the Commissioners deem it in the interest of the public health, welfare, and safety of the citizens of the Town, and for the good government of the Town, to enact this Ordinance and to take the actions as described herein.

**SECTION 1.** NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE COMMISSIONERS OF ST. MICHAELS that Chapter 110 (Site Plan Review) and Chapter 290 (Subdivision of Land) of the Code of the Town of St. Michaels are hereby repealed in their entirety and reenacted to read as set forth in the Chapter 110 (Site Plan Review and Land Subdivision) as set forth below in Section 2.

**SECTION 2.** The recitals to this Ordinance are incorporated herein and deemed a substantive part of this Ordinance.

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## **Chapter 110. Site Plan Review and Land Subdivision**

### **Article I. Purpose, Intent, and Interpretation.**

#### **§ 110-1. Purpose and intent.**

- A. The purpose of these regulations is:
- (1) to regulate and control the division of land within St. Michaels to promote public health, safety, morals, and general welfare; and
  - (2) ensure compliance with applicable provisions of enacted regulations and prescribe standards for the design and construction of site improvements.
- B. It is the general intent of these regulations is:
- (1) Ensure that site development and land subdivision meet the design principles and standards and required improvements outlined in this Chapter, the St. Michaels Comprehensive Plan, Chapter 340 Zoning, and other ordinances, regulations, and policies established by the Town of St. Michaels;
  - (2) Assure sites are suitable for building purposes and human habitation;
  - (3) Regulate the flow of traffic in the streets and highways, providing for the safe, orderly, and smooth flow of traffic and providing streetscapes that are hospitable to pedestrians, bicyclists, and the character of St. Michaels;
  - (4) Ensure adequate provision of public services, including transportation, water, sewerage, schools, parks, and other public facilities and utilities;
  - (5) Protect wetlands, streams, areas of steep slopes, highly erodible soils (and other soils with development constraints), shorelines, and plant and wildlife habitats; and
  - (6) Ensure any proposed use, structure, or development activity does not negatively affect the Chesapeake Bay's water quality and its tributaries.

#### **§ 110-2. Short title.**

This Chapter may be referred to as the "St. Michaels Site Plan and Land Subdivision Regulations."

#### **§ 110-3. Compliance required.**

- A. Site Plans

- (1) Applicability. An approved site plan is required before the Town issues a building permit for any of the following uses, including the enlargement or replacement of associated structures.
  - (a) multifamily uses,
  - (b) commercial uses,
  - (c) industrial uses,
  - (d) multiple uses, and
  - (e) changes of use when additional parking is required.
- (2) Site plan submission is not required for an individual single-family, two-family, or duplex dwelling unit or a change of use when no additional parking is required.
- (3) Site plans shall be approved by the Planning Commission. The Zoning Inspector is authorized to review and approve simplified site plans for enlargement or expansion of structures involving multifamily, commercial, industrial, or multiple uses when such enlargement or expansion meets the following criteria:
  - (a) involves a structure of four hundred (400) square feet or less and no other expansion or enlargement has been approved in the preceding twelve (12) months;
  - (b) does not involve the creation of additional dwelling units;
  - (c) has no adverse impact on approved stormwater management facilities or municipal infrastructures, including utilities; and
  - (d) is in full compliance with all criteria, as outlined in this Chapter.

**B. Land Subdivision**

- (1) It shall be unlawful for the owner of any land within the jurisdiction of the Town to which these regulations 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 in addition to that, 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 per the regulations outlined in this Chapter and the Annotated Code of Maryland Land Use Article. Division I, Title 5, as amended;

- (b) Approval is secured from the St. Michaels Planning Commission or the Town's Zoning Inspector in the case of a minor revision as provided herein; and
- (c) The Planning Commission or Zoning Inspector, as appropriate, has executed copies of final plat(s) to be recorded in the Land Records of Talbot County maintained at the Clerk of the Circuit Court for Talbot County.

## **Article II. Site Plan Review**

### **§ 110-4. Submission procedure.**

- A. Site plan approval for any use or structure requiring such review and approval under this Chapter involves a three-step process: sketch plan, preliminary site plan, and final site plan.
  - (1) A registered professional engineer, registered architect, registered landscape architect, or registered land surveyor licensed in Maryland must prepare preliminary and final site plans.
  - (2) Applicants shall contact other governmental agencies (e.g., Talbot County Department of Public Works, Maryland State Highway Administration, Maryland Department of Natural Resources) to obtain information as early as possible concerning any additional requirements those agencies may impose.
- B. Applications for site plan review shall be filed on the prescribed forms and submitted to the Zoning Inspector. At a minimum, site plan applications shall include the information listed in Appendix A.
  - (1) The Zoning Inspector or Planning Commission may require additional information that appears necessary for a complete assessment of the proposed development.
  - (2) At the applicant's request, the Zoning Inspector may, at his or her discretion, waive any information or preliminary requirements that he or she determines are not relevant to the proposed use and site.
- C. Notification to contiguous property owners is required in the case of all site plans, which require Planning Commission review and approval. Notification procedures are outlined in Appendix C.

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**§ 110-5. Sketch plan.**

- A. Before submitting a preliminary site plan, the applicant may submit ten (10) copies of a sketch plan that includes the information listed in Appendix A to the Zoning Inspector for review and comment.
- B. Upon determining that the application is complete, the Zoning Inspector shall send copies of the sketch plan to the Technical Advisory Committee (TAC) if required and place the matter on the next available Planning Commission meeting agenda following the TAC review.
- C. The Planning Commission shall review and return comments within fifteen (15) days of their meeting, advising the applicant to proceed with a preliminary site plan submittal or resubmit the sketch plan for additional review.
- D. Sketch Plan Review is not intended to be a formal review, and it is the applicant's responsibility to meet all applicable code requirements. Staff and/or the Planning Commission may only provide comments on current development requirements. No permits or approvals are issued as a result of the sketch plan review.

**§ 110-6. Preliminary site plan submission requirements.**

- A. The applicant shall submit a minimum of ten (10) paper copies of a preliminary site plan that includes the information listed in Appendix A to the Zoning Inspector for review.
- B. The Zoning Inspector will forward preliminary site plans determined to be complete to the TAC for review and comment. The Zoning Inspector will forward his/her staff report with TAC comments to the Planning Commission. The Zoning Inspector will return to the applicant within fifteen (15) days of receipt of incomplete or deficient applications with an explanation of noted deficiencies.

**§ 110-7. Preliminary site plan review.**

- A. The Planning Commission shall review the application and related materials and the Zoning Inspector staff report at a regularly scheduled public meeting and return the plan to the applicant approved, approved subject to conditions, or disapproved. If disapproved, the Zoning Inspector shall convey to the applicant the noted deficiencies and sections of the Town Code that are violated.
- B. When the granting of a special exception is required, the Planning Commission shall forward the site plan, together with their recommendation, to the Board of Appeals. The Board of Zoning Appeals may prescribe additional information to be shown on the plan.



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- C. The Zoning Inspector shall determine whether the revision meets all specified conditions and if so, may approve the issuance of building permits following the revision without returning the revised site plan for further Planning Commission review.
- D. Major or significant changes in the revised site plan, however, will require Planning Commission review and action.

**§ 110-8. Final site plan.**

- A. Two (2) copies of the final site plan, revised to meet all conditions, shall be submitted to the Zoning Inspector for review. The final site plan shall include the signature and seal of a Maryland registered land surveyor, registered professional engineer, registered architect, or registered landscape architect responsible for the accuracy of the site plan and operating within the scope of his license concerning the services provided. One set will be returned to the applicant with the Planning Commission Chairman's signature of approval.
- B. The applicant shall provide digital copies of the plans on a CD or other appropriate medium in ArcGIS or AutoCAD format (ArcGIS preferred) and PDF format. Digital drawings will be georeferenced to Maryland NAD83 datum coordinate system. GPS observations may establish the coordinates for any monuments.

**§ 110-9. Effect of site plan approvals.**

- A. Preliminary site plan. Preliminary site plan approval shall confer upon the applicant the following rights for two (2) years from the date of the preliminary approval:
  - (1) That the general terms and conditions on an approved preliminary plan shall not be changed, and any change in Town zoning or site plan approval ordinances shall not affect the approved plan.
  - (2) That the applicant may submit for final approval on or before the expiration date of preliminary approval the whole, or a section, or sections of the preliminary site plan; and
  - (3) That the applicant may apply for and the Planning Commission may grant extensions on such preliminary approval for additional periods of at least one year but not exceeding a total extension of two (2) years.
- B. Final plan.
  - (1) Unless construction permits are approved, the final site plan approval shall expire two (2) years after the date of such approval.

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- (2) The Zoning Inspector may grant a single one-year extension if the applicant submits a written request within ninety (90) days of the approved site plan expiration. The Zoning Inspector shall acknowledge the request and shall forward said request within thirty (30) days after receipt to the Planning Commission for a recommendation regarding the requested extension.

**§ 110-10. Revision.**

Any site plan may be revised in the same manner as initially approved.

**§ 110-11. Required approvals and permits.**

The applicant shall also submit copies of all approvals and permits required to construct the project, including, but not limited to, Fire Marshal, Talbot County Public Works, State Highway Administration, Critical Areas Commission, Soil Conservation Service, and associated wetlands permits.

**§ 110-12. Inspection of work.**

- A. Construction of all other required public improvements (water, sewer, streets, curbs, and stormwater retention and treatment facilities) shall be supervised and inspected. All completed improvements shall be tested by or under the supervision of a registered professional engineer, known as the "Inspection Engineer" who shall be selected and employed by the Town at the expense of the applicant.
- B. The applicant shall maintain a retainer with the Town Clerk/Manager that shall be replenished every month and shall be enough in an amount to cover the reasonably anticipated monthly expenditures for the Inspection Engineer.
- C. The Town Clerk/Manager will provide the applicant with the Inspection Engineer's monthly invoice, and the parties shall cooperate in resolving billing issues. However, the Town Clerk/Manager shall have the final say in the amount owed to the Inspection Engineer and, thus, in the amount owed to the Town for inspection work.
- D. The Zoning Inspector may issue a stop-work order if and whenever the applicant fails to fulfill its obligation to pay the Inspection Engineer.
- E. The applicant shall pay the full expense of the Town's Inspection Engineer before final approval and acceptance of the improvements.

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**§ 110-13. Approval and acceptance.**

- A. Upon completion of construction of any public improvements required by this Chapter, and before acceptance by the Town Commissioners, the applicant shall deliver to the Town as-built plans acceptable to the Town Engineer and the Inspection Engineer signed and sealed by a registered professional engineer.
- B. The applicant shall warrant all improvements for one (1) year from the time of acceptance by the Town. The applicant shall obtain a maintenance bond in the amount of 20% of the improvements' cost to cover the one-year warranty. In lieu thereof, the performance bond may be extended for the warranty period.
- C. Upon completion of construction following the plans as accepted by the Planning Commission, inspection, and testing to show construction to the required specifications in the judgment of the Town's Inspection Engineer, and warranty of maintenance by the applicant, the Town Commissioners, shall accept the improvements.
- D. Upon the approval and written acceptance of the improvements by the Town, the streets, sidewalks, gutters and curbs, water and sewerage lines, hydrants, pumps, couplings, joints, and all other things connected in addition to that shall become the exclusive property of the Town. Upon written acceptance thereof, the Town shall, after that, assume the responsibility of maintenance.

**§ 110-14. Guarantees.**

- A. The owner or developer shall execute a public works agreement before approval of any final site plan. The public works agreement shall address the construction of such required physical improvements located within public rights-of-way or easements or connected to any public facility. The owner or developer shall provide a bond or irrevocable letter of credit naming the Town as the payee in the amount of the estimated costs of the required physical improvement.
- B. The agreement described above and bond or condition shall remain in effect through the completion of all work covered. The Town Commissioners may extend time upon written application of the owner of the developments, signed by all parties (including sureties) to the original agreement. The Town Commissioners shall determine the adequacy, condition, and acceptability of any bond hereunder. The Town Attorney shall determine the legal sufficiency of the bond or form of surety.

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**§ 110-15. Building permit.**

Any building permit, zoning certificate, or occupancy permit issued for any structure covered by the site plan shall conform with the site plan as finally approved.

**§ 110-16. Certificate of use and occupancy.**

Certificates of use and occupancy shall be applied for and shall be issued within ten (10) working days after the property owner or owner's representative has notified by the Zoning Inspector of completion of all improvements in compliance with the approved site plan, provided:

- A. The on-site construction and improvements noted in the approved site plan upon inspection are found completed and acceptable to the Building Official.
- B. The off-site improvements related to and necessary to service the site have been completed and inspected, and accepted by the designated Town Engineer, State Department of Transportation, or appropriate agencies.
- C. The developer has provided surety acceptable to the relevant agencies.
- D. The applicant has submitted three (3) paper copies and an electronic copy, in a form acceptable to the Town, of the approved as-builts, which shall be certified and approved by the Town Engineer.
- E. When the infrastructure for the project is required to be inspected by independent contractors acting on behalf of the Town, the applicant shall be responsible for all costs associated with said inspections.
- F. The applicant has submitted a warranty of the off-site improvements to the Town for one (1) year after final acceptance, which period shall commence upon acceptance of off-site improvements by the Town Engineer.

**§ 110-17. Reserved.**

**§ 110-18. Reserved.**

**Article III. Land Subdivision.**

**§ 110-19. Word usage; interpretation.**

- A. For purposes of this Chapter, words, and terms used herein shall be interpreted as follows:

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- (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, association, or other legal entity, as well as an individual.
  - (4) The "approving authority" shall mean the Zoning Inspector and/or the Planning Commission.
  - (5) The word "lot" includes the word "plot" or "parcel."
  - (6) The word "Commission" and the words "Planning Commission" mean and refer to the St. Michaels Planning Commission.
  - (7) The word "county" shall mean Talbot County.
  - (8) The words "Town" and "St. Michaels" shall always mean the Town of St. Michaels.
  - (9) The term "subdivision" shall mean the division of a lot, tract, parcel, or plot of land into two or more lots, tracts, parcels, or plots of land for the purpose, whether immediate or future, of sale thereof or the improvement thereof. It includes resubdivision and, when appropriate to the context, relates to the process of resubdivision or the land or territory subdivided.
  - (10) The term "Commissioners" or "Town Commissioners" shall mean the legislative body of the Town of St. Michaels, known as "The Commissioners of St. Michaels."
  - (11) The term "Town Engineer" shall be either the employee of the Town who is known and designated as the "Town Engineer" or a registered professional engineer who is an independent contractor working for the Town.
  - (12) Terms referred to in regulatory provisions specific to the Critical Area Overlay District shall be the same as those specified in Chapter 340 of the Code of the Town of St. Michaels.
  - (13) The "Town Code" means and refers to the Code of St. Michaels.
- B. Any word or term not defined herein shall be used with a meaning of standard usage.
- C. The word "shall" is always mandatory and not merely directory.
- D. Terms defined. As used herein, the following terms shall have the meanings indicated:

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**ADJACENT PROPERTY OWNER** - Those properties which directly abut the subject property or are within 200 feet of the subject property.

**ALLEY** - A minor road or way used primarily for vehicular access to the back or the side of lots otherwise abutting a street.

**APPLICANT** - Any person who proposes to subdivide land and is required to make submittals and obtain approvals under this Chapter.

**BUILDING SETBACK LINE (BSL or BRL)** The minimum distance between any building or structure or portion thereof to be erected or altered and an adjacent right-of-way, street, or property line within which no building may be constructed. The building setback line shall be measured from the boundary line of any future right-of-way located at the front of a lot.

**EASEMENT** - A grant by a lot owner of the use of a portion or all of the lot for a specific purpose or use, without including title to the lot.

**FUTURE RIGHT-OF-WAY** - A right-of-way easement or dedication required for the expansion or extension of existing or future streets, roads, alleys, public facilities, water and sewer lines, and services, and other public utilities and/or to allow access to the workforce and equipment necessary to maintain the same.

**IMPROVEMENTS** - Those physical additions, installations, constructions, and changes, such as buildings, structures, streets, curbs, sidewalks, water mains, sewers, stormwater management facilities and features, public utilities, and the other appropriate items and facilities required to render land suitable for the use proposed.

**LOT** - A parcel of land used or set aside and available for use as the site of one or more buildings and buildings accessory to that or any other purpose, in one ownership and not divided by a street, not including any land within the limits of a public or private street right-of-way.

**MAJOR SUBDIVISION** - Any subdivision of land that is not a minor subdivision.

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

**RIGHT-OF-WAY** - A strip of land occupied or intended to be occupied by a street, alley, crosswalk, public sidewalk, sanitary or storm sewer, drainage ditch, or other public facility or utility. The usage of the term "right-of-way" for land platting purposes in the Town shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and

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distinct from lots or parcels adjoining such right-of-way and not included with the dimensions or areas of such lots or parcels.

SKETCH PLAN - Plan submittals made for preliminary review to determine the feasibility of a proposed subdivision.

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.

STREET LINE - The right-of-way line of a street.

#### SUBDIVISION

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

SUBDIVISION APPLICATION - The submittals required in Chapter \* for sketch plan review, preliminary plat review, and/or final plat review.

TECHNICAL ADVISORY COMMITTEE (TAC) - A committee consisting of federal, state, Talbot County, and St. Michaels' representatives who may have compliance input into any approvals required or that may be required for a proposed subdivision.

#### **§ 110-20. Jurisdiction and interpretation.**

This Chapter shall apply to all land located within the incorporated area of St. Michaels. This Chapter's provisions are the minimum requirements necessary to meet this Chapter's stated purpose and intent. Where the provisions of this Chapter impose greater restrictions than those of any other statute, ordinance, or regulation, the provisions of this Chapter shall prevail if the provisions of such other statute, ordinance, or regulation cannot be harmonized with the requirements of this Chapter. Where the provisions of any other statute, ordinance, or regulation impose greater restrictions than those of this Chapter, the provisions of such statute, ordinance, or regulation shall prevail if such statute, ordinance, or regulation cannot be harmonized with the requirements of this Chapter.

#### **§ 110-21. Transfer of land; issuance of building permits.**

- A. No land in a subdivision created after the adoption of the Town's subdivision 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 per this Chapter, 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.

**§ 110-22. Procedures for Subdivision of Land.**

- A. Major and minor subdivisions.

- (1) There are three (3) types of subdivisions: revision plats, minor subdivisions, and major subdivisions. (See Definitions, Article 11.)
- (2) There are at least three (3) stages of approval for major and minor subdivisions:
  - (a) Sketch plan review;
  - (b) Preliminary plat approval; and
  - (c) Final plat approval.

- B. Purpose.

- (1) A sketch or concept plan is a preliminary plan, the purpose of which is to indicate the intent and scope of a proposed subdivision. One objective of the sketch plan process is to familiarize the applicant with the Town's planning goals and applicable local, state, and federal requirements, affecting the subdivision. Approval of a sketch plan does not imply approval of the subdivision. It is intended to enable the applicant to determine the proposed plan of development's general feasibility before incurring extensive costs for detailed surveying and engineering work.
- (2) The preliminary plat presents the detailed layout and design for a proposed subdivision. The plat enables the Town to determine whether the proposed subdivision complies with this Chapter's requirements and the other requirements applicable to the subdivision development.
- (3) A final plat establishes the exact boundaries and dimensions of lots, road rights-of-way, easements, and other land designations within a subdivision. The final plat also provides documentation ensuring that a subdivision complies with applicable local, state, and federal requirements. The final plat becomes the



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official record of the land division and is to be recorded in the Land Records of Talbot County.

**§ 110-23. Approval authority.**

- A. The Planning Commission, and for some minor revisions, the Zoning Inspector is the subdivision approval authority.
- B. The Planning Commission may also grant final plat approval if a preliminary plat is in substantial conformance with all applicable requirements.

**§ 110-24. Conformance to applicable rules and regulations.**

In addition to the requirements established in this Chapter, subdivision plats and improvement plans shall comply with all applicable local, state, and federal laws, statutes, ordinances, and regulations.

**§ 110-25. Revision plats.**

- A. Purpose. Revision plats may be used to accomplish the following, provided that no additional lots or additional non-residential square footage are created:
  - (1) Revisions to a recorded subdivision plat, including but not limited to revisions to modify or abandon a lot line or relocate an easement area.
  - (2) Recordation of a plat to alter or eliminate boundaries between parcels that were legally created by deed.
  - (3) Recordation of a plat for an existing parcel that was legally created by deed.
- B. Determination of major and minor revision plats. The Zoning Inspector shall determine whether a proposed revision plat is major or minor based on the following guidelines.
  - (1) Major revisions may include, but are not limited to:
    - (a) Relocation or modification of a public or private road right-of-way;
    - (b) Adjustment of acreage for common space, open space, reserved lands, or land subject to a conservation easement;
    - (c) Relocation within a parcel of common space, open space, reserved lands, or land subject to a conservation easement; or

- (d) Revision or abandonment of lot lines, which significantly affect the layout of the subdivision.
    - (e) The addition of dwelling units or nonresidential square footage.
  - (2) Minor revisions may include, but are not limited to:
    - (a) Correction of a minor plat or surveying errors;
    - (b) Minor changes to plat notations;
    - (c) Revision or abandonment of lot lines that do not significantly affect the layout of the subdivision;
    - (d) Recordation of a plat for an existing parcel created by deed provided that the plat does not alter the property lines; or
    - (e) Recordation of a plat to establish a parcel as a buildable lot.
- C. Nonconforming situations. A revision plat shall not create a nonconforming situation or worsen an existing, legal nonconforming situation. Revision plats shall comply with standards established in Chapter 340.
- D. Submittal requirements. The application for a revision plat and the revision plat shall include all information outlined in Appendix B.

**§ 110-26. Sketch plan.**

- A. A sketch plan may be submitted at the applicant's discretion or the Zoning Inspector's request if either party believes that a discussion of the proposed subdivision would be beneficial.
- B. The sketch plan may be discussed at a pre-submittal meeting. The Zoning Inspector will schedule the pre-submittal meeting and may include the Town Engineer and members of the TAC in addition to the applicant and the applicant's representatives. The purpose of the meeting is to discuss the nature of the proposed application, the particular site's characteristics, and the information required to be submitted with the subdivision application.
- C. At a minimum, the sketch plan shall include the information outlined in Appendix B.
- D. Multiple subdivision layouts. A sketch plan may propose up to three (3) potential subdivision layouts. If multiple layouts are proposed, the review authority shall provide written comments indicating the preferred layout.

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- E. For a major subdivision, the sketch plan shall be presented to the Planning Commission.
- F. The Planning Commission and Zoning Inspector may provide comments on the sketch plan based upon this Chapter and the Comprehensive Plan's purposes and policies. Comments on a sketch plan shall be advisory. The comments should not be construed as implying that a sketch plan based upon the comments will comply with this Chapter's specific requirements or other requirements applicable to the subdivision.

**§ 110-27. Submittal of applications.**

- A. Applications for subdivision review shall be filed on the prescribed forms and submitted to the Zoning Inspector. At a minimum, subdivision applications shall include the information listed in Appendix B.
  - (1) The Zoning Inspector or Planning Commission may require additional information that appears necessary for a complete assessment of the proposed development.
  - (2) At the applicant's written request, the Zoning Inspector may, at his or her discretion, waive any information or preliminary information requirements that he or she determines are not relevant to the proposed subdivision.
- B. Applications for subdivision approval, including sketch plans, preliminary plats, and final plats, will be reviewed for completeness per this Chapter and all required documents and agreements. Incomplete applications will be returned with a listing of deficiencies.
- C. Standards. Subdivisions shall comply with the subdivision design and development standards of this Chapter and all other applicable development requirements, including requirements outlined in Chapter 281, Stormwater Management, and Chapter 340, Zoning.

**§ 110-28. Technical Advisory Committee (TAC) review.**

- A. The Technical Advisory Committee (TAC) shall review all subdivision applications to provide coordinated input to an applicant.
- B. The TAC review procedures are outlined in Appendix C.

**§ 110-29. Preliminary subdivision plats.**

- A. Preliminary plats shall be reviewed at a TAC Preliminary Review Meeting (PRM) unless, for a minor subdivision, the Zoning Inspector authorized the applicant to proceed directly to the final plat Compliance Review Meeting (CRM) stage.
- B. Within ten (10) days following the TAC meeting, the Zoning Inspector shall transmit to the applicant the comments of the reviewing agencies. For a minor subdivision, the Zoning Inspector shall issue either a notice to proceed, which may have conditions if necessary, or appropriate or notice of noncompliance. For a major subdivision, the Zoning Inspector either shall schedule a Planning Commission review or issue a notice of noncompliance. If the preliminary plat is scheduled for Planning Commission review, the Zoning Inspector shall discharge the notification requirements outlined in Appendix C.
- C. If the Zoning Inspector issues a notice of noncompliance:
  - (1) The applicant may submit an amended preliminary plat within nine (9) months from the date of the notice.
  - (2) Upon delivering amended plat submittals, the preliminary plat's review process shall be repeated.
- D. Approval of minor subdivision plat by the Zoning Inspector. If the plat is in significant compliance with this Chapter, the Zoning Inspector may authorize the final plat submittals to proceed directly to the CRM in the notice to proceed.
- E. Decision by the Planning Commission for preliminary subdivision plats. The Planning Commission may approve, approve subject to conditions, or disapprove a preliminary plat. If the Planning Commission does not approve the preliminary plat:
  - (1) The Zoning Inspector shall issue a written notice of noncompliance to the applicant, giving why the Planning Commission did not approve the preliminary plat submittals.
  - (2) The applicant may provide amended preliminary plat submittals addressing the deficiencies within twelve (12) months of the notice of noncompliance.
  - (3) The amended plat shall complete the steps required for the preliminary plat submittal.

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**§ 110-30. Final subdivision plats.**

- A. Final plats shall be reviewed at a PRM unless the Zoning Inspector authorizes the final plat to go directly to the CRM stage.
- B. Within ten (10) days following the PRM, the Zoning Inspector shall transmit the reviewing agencies' comments to the applicant. The transmittal will include either a notice to proceed or a notice of noncompliance.
- C. If the Zoning Inspector issues a notice of noncompliance:
  - (1) The applicant may submit an amended final plat within nine (9) months from the date of the notice.
  - (2) The amended plat submittals shall repeat the review process of the final plat submittals.
- D. Decision by Zoning Inspector for minor subdivision final plats. Upon issuance by the Zoning Inspector of a notice to proceed for minor subdivision final plat submittals, the Zoning Inspector shall schedule the plat for review at the next available CRM.
- E. Decision by the Planning Commission for major subdivision final plats.
  - (1) Planning Commission approval is required of final plat submittals for a major subdivision.
  - (2) Upon issuing a notice to proceed following the PRM, the Zoning Inspector shall schedule the final plat for the next available Planning Commission meeting.
  - (3) If the Planning Commission approves the final plat or approves it subject to conditions, the Zoning Inspector shall schedule a meeting to review the final plat submittals at the next available PRM. The Zoning Inspector shall determine whether a PRM or a CRM is appropriate based on the extent of the required amendments to the plat.
  - (4) If the Planning Commission does not approve the final plat:
    - (a) The Zoning Inspector shall issue a written notice of noncompliance to the applicant, giving why the Planning Commission did not approve the final plat submittals and noting sections of the Town Code that are not in compliance.
    - (b) The applicant may provide amended final plat submittals addressing the deficiencies within twelve (12) months of the notice of noncompliance.

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- (c) The amended plat shall complete the steps required for the final plat submittal.

F. Final plat CRM stage.

- (1) Staff at the CRM shall review the plat to ensure that it is complete, correct, and addresses all comments and conditions.
- (2) If necessary, Zoning Inspector shall provide written notice to the applicant of corrections required by the TAC agencies.
- (3) Upon concurrence of the TAC agencies reviewing the plat at the CRM, the Zoning Inspector shall proceed to the signature stage as specified below.

G. Signatures and recording.

- (1) Following the final CRM, if the final plat is correct and complete, the Zoning Inspector shall notify the applicant in writing that the final plat may be submitted for signature.
- (2) No amendments or modifications shall be made to an approved final plat without the written authorization of the Zoning Inspector.
- (3) The applicant shall submit the required copies of the final plat for signature approval.
- (4) The Zoning Inspector shall facilitate obtaining the signatures of agency representatives on the final plat.
- (5) Before signature by the Planning Commission's Chairman, the applicant shall provide the recording reference for covenants, easements, and other recorded agreements. Also, the applicant must have paid all required fees.
- (6) The Zoning Inspector shall return copies of the signed final plat to the applicant for recordation.
- (7) The applicant shall record in the Land Records of Talbot County the approved final plat and shall return a copy of the recordation receipt to the Zoning Inspector within seven (7) business days of the final plat signing.

**§ 110-31. Modifications to approved subdivision plats.**

- A. At any stage in the subdivision plat review process, the Zoning Inspector shall require that a subdivision plat repeat the previous stage of review if:

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- (1) Modifications to the plan include changes beyond those required as conditions of approval by reviewing agencies or the Planning Commission; and
- (2) The Zoning Inspector determines the modifications to be significant enough to require additional review by reviewing agencies or the Planning Commission.

**§ 110-32. Expiration of approval for subdivision plats.**

- A. Approval of a preliminary subdivision plat by the Planning Commission shall be valid for twelve (12) months from which a notice to proceed is issued.
  - (1) The applicant may request an extension of time for approval. The request shall be submitted to the Zoning Inspector, in writing, before the expiration of the twelve-month period for which the approval is valid.
  - (2) The Zoning Inspector may grant a single, twelve-month extension of approval. Before granting an extension, the Zoning Inspector may seek the Planning Commission's recommendation or the appropriate TAC members.
  - (3) If an approval expires, any person seeking subdivision plat approval shall have to start the approval process again from the beginning.
- B. Final subdivision plat approval remains valid indefinitely as long as the approved subdivision plats are recorded in the Land Records of Talbot County within one (1) year after final approval by the Planning Commission.

**§ 110-33. Maintenance and completion of public and private improvements.**

Before the Planning Commission approves a final plat, required public or private improvements shall be completed or guaranteed through one or more of the following methods:

- A. Completion of required improvements by the developer per approved plans, with plan review, inspections, and approval by the Town Engineer; or
- B. Execution of public works agreement(s) satisfactory to the Town Attorney that obligate the applicant/the property owner(s) to complete all required improvements; or
- C. For improvements not covered by a public works agreement, a developer agreement satisfactory to the Town Attorney wherein the applicant shall agree to construct, at the applicant's expense, the required improvements, including installation of plantings, as shown on the final plat and approved plans, drawings, and subdivision application submittals.

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**§ 110-34. Common space; private improvements.**

- A. Ownership of common space or subdivision improvements. The ownership of land dedicated to common space or subdivision improvements may be proposed by the owner or developer, subject to the Planning Commission's approval. Ownership may include, but is not necessarily limited to, the following:
  - (1) The Town, subject to acceptance by the Commissioners of St. Michaels;
  - (2) Other public jurisdictions or agencies, subject to their acceptance;
  - (3) Quasi-public organizations, subject to their acceptance;
  - (4) Any incorporated property owners' association approved by the State Department of Assessments and Taxation; or
  - (5) Shared, undivided interest by all property owners in the subdivision.
- B. Concurrent with the recording of the final plat, the applicant shall convey common space lots to the Town, a property owners' association, or other entity approved to own the common space, as defined in covenants approved and recorded in the Land Records of Talbot County per this Chapter.
- C. Property owners' or homeowners' association. If the common space, stormwater management facilities, or subdivision improvements are owned by property owners', homeowners' or condominium association:
  - (1) Proposed covenants and restrictions that will govern the association shall be submitted with the preliminary plat submittals for review and approval by the Town Attorney.
  - (2) The provisions may include but are not necessarily limited to the following:
    - (a) The property owners' association must be established before any lots or homes are sold;
    - (b) Membership in the association must be mandatory for each lot owner, home buyer, lot user, and any succession in interest or assignee of the preceding;
    - (c) Common open space restrictions must be permanent, not just for years;
    - (d) The association must be responsible for liability insurance, taxes, and the maintenance of open space, stormwater management facilities, and/or subdivision improvements;



- (e) Property owners must pay their pro-rata share of the costs to fulfill association responsibilities, and the assessment levied by the association must become a lien on the individual lot owner's property as allowed in the master deed establishing the property owners' association; and
  - (f) The association must be able to adjust the assessment to meet changing needs. If the association does not raise funds necessary to maintain such open space, stormwater management facilities, and/or subdivision improvements; the Town must be authorized to make a per lot pro-rata assessment against the owner of each lot in the subdivision to reimburse the Town for expenditures made to maintain such open space, stormwater management facilities and/or subdivision improvements and such assessment, if unpaid, must become a lien against the lot of the landowner who fails to pay. Such lien shall entitle the Town to obtain satisfaction through the tax sale of the lot of a nonpaying lot owner.
- (3) The date of acceptance and approval of the articles of incorporation of the property owners' association by the State Department of Assessments and Taxation shall be noted on the final plat.
- D. Maintenance of common space and improvements. The person or entity identified as having the right of ownership or control over common space or subdivision improvements shall be responsible for continuing upkeep and proper maintenance following Town, state, and federal regulations.
- E. Maintenance of private alley and right-of-way improvements. The ownership and maintenance of private alleys and rights-of-way shall be identified on final plats. Maintenance agreements shall be recorded with all final plats that establish or extend a private road.

**§ 110-35. Subdivision straddling jurisdictional boundaries.**

If access to a subdivision is across the land in another jurisdiction, the Planning Commission may:

- A. request assurance from the other jurisdiction that access is legally established, and
- B. the access road is adequately improved, or that a guarantee and security have been duly executed and sufficient to assure the construction of the access road.

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**§ 110-36. Subdivision name.**

The subdivision's proposed name shall not duplicate, or too closely approximate phonetically, the name of any other subdivision in the Town or within proximity of the Town.

**§ 110-37. Violations and penalties.**

- A. Violation is a municipal infraction. In addition to any other remedies provided by law, any violation of this Chapter is declared to be a municipal infraction. Each day that a violation exists after the Town provides notice of the violation shall constitute a separate offense. Each provision of this Chapter violated shall constitute a separate offense.
- B. Notice of a violation. The Zoning Inspector shall provide notice of violation to a person violating this Chapter. Notice shall be sent to an applicant at the address of record of the applicant. Notice shall be sent to other persons at any address of such a person known to the Zoning Inspector or reasonably discovered through publicly available media, including electronic media. Where the applicant or another person has not provided an address of record, notice may be posted on the property in question.
- C. Penalties. The Zoning Inspector shall determine whether one or more of the following penalties are appropriate and may assess such penalty(ies) as the Zoning Inspector deems appropriate:
  - (1) Stop-work orders. The Zoning Inspector may issue a stop-work order until specified corrective action has been undertaken. The applicant or the person to whom such an order is issued must discontinue all work other than the work necessary to address the deficiencies noted in the stop-work order. The Town, including the Zoning Inspector, the Planning Commission, and the Town Engineer, may discontinue all work or review of anything of the applicant or the violator pending before the Town until such violation has been addressed and resolved.
  - (2) Civil monetary penalty. The Town may assess a civil penalty of up to \$500 per violation per day.
  - (3) The Town may withhold issuance of, suspend or revoke any permit or use and occupancy certificate issued by the Town to the violator/applicant.
  - (4) The Town may pursue legal or equitable relief in any court of competent jurisdiction, and such court shall be authorized to issue appropriate orders, monetary relief, and nonmonetary relief.

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- (5) The Town may proceed against any bond issued according to this Chapter to secure the applicant's performance.
- D. See § 340-120 for other remedies and penalties applicable violations of this Chapter on properties in the Critical Area.

#### **§ 110-38. Appeals.**

Any person with standing to do so may appeal a decision or determination of the Planning Commission or the Zoning Inspector, according to the procedures set forth below:

- A. By applicant. The applicant may appeal a decision of the Zoning Inspector or the Planning Commission to deny approval and issuance of a notice to proceed of a preliminary plat or a final plat to the Board of Zoning Appeals as outlined in Chapter 340 of the Code of St. Michaels. The time provided to the applicant to submit an amended plan or plat shall toll during the pendency of an appeal.
- B. An interested person, i.e., an adjoining or adjacent property owner or a person who will be impacted by a subdivision in some way other than a member of the general public, may petition the Circuit Court of Talbot County to judicially review a decision approving a final plat for submittal to a CRM. Such an appeal shall toll all timelines during the pendency of such appeal.
- C. An interested person, i.e., an adjoining or adjacent property owner or a person who will be impacted by a subdivision in some way other than a member of the public, may participate as a party in any appeal noted by the applicant.
- D. The Zoning Inspector may participate as a party in any appeal.

#### **Article IV Subdivision Design Standards.**

##### **§ 110-39. Applicability.**

The standards and requirements outlined herein shall be considered minimum standards and requirements for promoting public health, safety, morals, and general welfare.

##### **§ 110-40. Modification of requirements.**

- A. The Planning Commission may modify or waive the requirements of one (1) or more provisions of Articles IV and V if the literal enforcement will create an undue hardship because of peculiar conditions on the land in question, provided that such waiver or modification will not be contrary to the public interest and that the purpose and intent of

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this Chapter are observed. The Planning Commission may not modify or waive any requirement that does not emanate from a design standard created in this Chapter, including but not limited to requirements under Chapter 281, Stormwater Management, or Chapter 340, Zoning.

- B. All requests for a modification or waiver shall be in writing and shall accompany and be a part of the development application. The request shall state in full the grounds and facts of unreasonableness or hardship on which the request is based, the provision or provisions of Articles IV and V involved, and the minimum modification necessary.
- C. The Planning Commission shall keep a written record of all action on all requests for waivers or modifications.
- D. In granting any waiver or modification from the terms of these regulations, the Planning Commission may prescribe such conditions and safeguards as it shall deem necessary to fulfill these regulations' purpose and intent.

**§ 110-41. General requirements.**

- A. Land being subdivided shall be taken up in lots, streets, public lands, or other proposed uses so that no areas are landlocked and accessible only by crossing the privately owned land of another person.
- B. Where trees, groves, waterways, scenic points, historic spots, or other Town assets and landmarks are located within a proposed subdivision, such features shall be preserved to the greatest extent practicable. The subdivision shall not adversely impact riparian rights.
- C. Land subject to flooding or deemed to be topographically below sea level shall not be subdivided or developed for residential occupancy or such other uses as may endanger health, life, or property, or aggravate erosion or flood hazards until all such hazards have been eliminated and unless the final plats provide adequate safeguards against such hazards. 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.

**§ 110-42. Streets in general.**

- A. The arrangement, character, extent, grade, and location of all streets shall be acceptable to the Planning Commission. The Planning Commission shall consider their relation to existing and planned streets, topographical conditions, public convenience and safety, and their proper relation to the proposed uses to be served by such streets.

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- B. Proposed streets shall further conform to state plans for streets and highways.
- C. Where appropriate, 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 so that 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 the entire tract's eventual subdivision shall be provided.
- G. Where stub streets are provided abutting unsubdivided acreage, temporary easements for turnarounds shall be provided at the boundary line.
- H. Private streets are prohibited except in the Agriculture (A) Zone.

**§ 110-43. Street standards.**

- A. Where a subdivision abuts or contains an existing street of inadequate right-of-way width, a right-of-way width required by the Commissioners 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 per the requirements of Article V and others specified by the Commissioners.

**§ 110-44. Street intersections.**

- A. Without express permission by the Commissioners or the Planning Commission, no more than two streets shall intersect at an intersection.
- B. Streets shall be laid out to intersect as nearly as possible at right angles, and no street shall intersect another street at an angle of less than 60°.

**§ 110-45. Street signs.**

All street signs shall be provided by the applicant at the applicant's expense and shall be constructed according to the Commissioners' designs.

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**§ 110-46. Sidewalks.**

- A. All sidewalks must be provided and constructed under accepted design standards as approved by the Town Commissioners.
- B. The Planning Commission may, in its judgment, considering the specific subdivision plan, the pedestrian routes and destinations intended to be encouraged, and the character of the neighborhood, determine the extent and location of the sidewalks.

**§ 110-47. Blocks.**

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

**§ 110-48. 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.
- C. Lots excessively deep to width or excessively irregular in shape are to be avoided. A lot size with a depth  $2 \frac{1}{2}$  times the width shall generally be considered the maximum desirable depth to width ratio.

**§ 110-49. Pipestem lots.**

Pipestem or flag lots may be permitted in residential districts, subject to the following requirements:

- A. The minimum lot area shall not include the area of the pipestem.
- B. The pipestem area of the lot shall be at least twenty-five (25) feet wide.
- C. Pipestem lots shall not be stacked more than two deep, the lot with frontage on the road and a lot behind the lot with frontage.
- D. Adjacent lots where one lot is bordered by the pipestem servicing the other lot shall share a single driveway entrance. Access and maintenance easements for the shared access (and any shared portion of the driveway) shall be recorded and referenced on the final plat.
- E. Orientation and setbacks.

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- (1) For the lot not on the public road, the front setback shall be applied as if the rear boundary line of the lot fronting the road is the front boundary line of the pipestem lot. If a house constructed on the pipestem lot faces the pipestem driveway, such that the side of the dwelling on the lot with no road frontage faces the rear of the dwelling with road frontage calculated, the front setback shall apply to both the boundary line where the pipestem driveway runs and the boundary line between the rear lot and the lot with road frontage.
  - (2) For subdivisions with more than one pipestem lot, the lot layout shall pair pipestem lots whenever possible so that four lots share driveway access.
- F. New subdivisions and/or development activities whose development or dwelling units are located outside of the Critical Area shall not include a flag or pipestem connection through the Critical Area to create riparian access.

**§ 110-50. Public sanitary sewers, water supply, and utilities.**

- A. All public sanitary sewerage and public water supply systems shall be provided and constructed following accepted design standards as approved by the Commissioners, the Town Engineer, and the Talbot County Department of Public Works.
- B. All plats shall depict the easements and rights-of-way required to accommodate public sanitary sewerage, public water supply, and other public utilities, including but not limited to electric lines, telephone, and other wired/cabled utilities. To the greatest extent practicable, such easements and rights-of-way shall parallel alleys, streets, and roads and be located such that the disturbance to public roads and private property necessary for maintenance or repair is minimized.
- C. The Town Engineer shall determine the appropriate width of required easements and rights-of-way, considering the area necessary to maneuver the equipment necessary to maintain, repair, and replace such facilities and utilities.

**§ 110-51. Drainage easements.**

- A. Lots generally shall be laid out to provide drainage away from buildings. Individual lot drainage shall be coordinated with the stormwater management practices and facilities required under Chapter 281 and in light of pre-subdivision existing surface runoff patterns to avoid increased drainage/runoff onto adjacent lots.
- B. Drainage easements and stormwater management facility rights-of-way or easements, as deemed necessary by the Town Engineer shall be provided and depicted on the plat(s) with the appropriate notes added to the plat(s). To the extent practicable, easements and

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rights-of-way shall parallel private boundary lines and be located in such manner as to minimize disturbance to common spaces, improvements, and environmentally sensitive areas in the event of required replacement, repair, and maintenance.

- C. The Town Engineer may also require drainage easements on private property that connects to and impacts drainageways along county roads.
- D. Drainage easements shall be depicted on the plat(s) with a plat note deemed appropriate by the Town Engineer.

**§ 110-52. Standards for development in Critical Area Overlay District.**

See Chapter 340, Article IV, the Chesapeake Bay Critical Area Overlay District.

**Article V. Required Improvements Subdivisions.**

**§ 110-53. Purpose.**

- A. The purpose of this article is to establish and define the public improvements the applicant shall construct or pay for before or as a final plat approval condition.
- B. Construction of all required improvements shall be completed following the accepted drawings, the specifications hereinafter set forth and further imposed by law and regulations or under the Planning Commission approval process, and in the manner acceptable to the Planning Commission, the Town Engineer, and other applicable officials.

**§ 110-54. Revision of plats.**

When changes from the plats, including drawings and specifications submitted during the subdivision review process, become necessary during construction, the Planning Commission's written acceptance with the Town Engineer's advice shall be secured before executing such changes.

**§ 110-55. Required improvements; standards, and specifications.**

The applicant shall construct the following improvements per the following specification unless alternative standards have been authorized by the Town Engineer, in all subdivisions hereafter created and located in Town:



- A. Streets. Except as may be allowed under the provision of § 110-39, streets consisting of subbase, base course, and the surface course shall be constructed in the subdivision according to the following standards and specifications:
- (1) Rights-of-way. All rights-of-way shall be fifty (50) feet wide except alley right-of-ways, which shall be a minimum of sixteen (16) feet.
  - (2) Subbase. The subbase shall be compacted so that it is firm, hard, and unyielding. It shall be compacted to 95% of dry weight density as determined by the American Association of State Highway Officials (AASHTO) Designation T-180 Method D, as it exists on the date construction is begun for the section of the street under consideration. After compaction, the subbase shall be true to the lines and grade, as outlined in the plans submitted to the Commission. After the final rolling, the subbase shall be tested with a ten-foot straight edge laid parallel to the street's sides under construction, and any depressions or high spots in the surface exceeding 1/2 inch shall be corrected.
  - (3) Pavement.
    - (a) Pavement shall not be placed on any subbase that is wet, soft, yielding, and/or of any unsuitable material. All soft or unstable material, portions of the subbase which will not be properly compact according to the specifications set forth above in Subsection A(2) hereof, or which for any other reason will not serve the purpose intended, shall be removed and replaced with suitable subbase material.
    - (b) Pavement shall be constructed according to the following materials, specifications, and standards:
      - [1] Pavement widths:
        - [a] Minor collector: A minor collector street has no residential property fronting and is not designed to accommodate parked vehicles. A minor collector street shall consist of a subbase not less than twenty-eight (28) feet wide and finished pavement not less than twenty-four (24) feet wide.
        - [b] Local street: A local street has residential property fronting and is designed to accommodate parked vehicles. A local street shall consist of a subbase not less than twenty-four (24) feet wide and pavement not less than twenty-eight (28) feet wide.

- [c] Alley: Alleys shall consist of a subbase of sixteen (16) feet and pavement not less than fifteen (15) feet.
  - [2] Subbase: The subbase shall be crusher run (CR-6), not less than six (6) inches in thickness, uniform throughout. Subbase materials shall be Maryland State Roads Commission Specification (1968) 20.02 or equal.
  - [3] Base course: The base course shall be of bituminous concrete B1 mix throughout, at least two (2) inches thick, uniform.
  - [4] Surface course: The surface course shall be of bituminous concrete SN mix throughout, or at least 1 1/2 inches thick.
- (4) Cul de sacs. Cul de sacs shall be no longer than five hundred (500) feet.
- B. Curb and gutter. All streets shall have a combination curb and gutter along each side unless exempted by the Planning Commission.
  - (1) Curb and gutter shall be constructed according to the following standards and specifications:
    - (a) All curbs and gutters shall be poured with 3,500 psi concrete.
    - (b) All curbs and gutters shall be Type B (Maryland State Roads Commission Standard No. 620.02) constructed by the method known as "monolithic pour." Curb shall be six (6) inches in width and six (6) inches in height; gutters shall be eighteen (18) inches in width and ten (10) inches in depth on a six-inch compacted gravel base.
  - (2) If deemed appropriate to the context, the Planning Commission may require curb and gutter constructed according to the following specifications:
    - (a) Granite curbstone shall be rectangular, with a width of five (5) inches, a depth of sixteen (16) inches, with a nominal length of six (6) feet. No curbstone shall be less than four (4) feet or greater than eight (8) feet. When the blocks are placed, the maximum gap between the blocks should be 1/8th of an inch. Compact base for new curb 98% (ASTM D698),
    - (b) After the granite curb is set to line and grade, the widened area shall be infilled with 3,000 psi concrete. The concrete shall be placed to a depth of 1 1/2 inch below the final pavement grade or finished gutter grade.
    - (c) At each joint, 3,000 psi concrete shall be placed. The concrete shall be placed approximately ten (10) inches deep, three (3) inches on either side

of the joint, and a thickness of six (6) inches. Concrete shall not be placed within four (4) inches of the top of the granite curb.

- C. Sidewalks. Sidewalks shall be constructed according to the following standards and specifications unless the Planning Commission requires brick sidewalks:
- (1) Concrete sidewalks:
    - (a) Sidewalks are required on both sides of all streets in all subdivisions unless exempted by the Planning Commission. Sidewalks shall be poured with 3,500 psi concrete at least four (4) inches thick, over a gravel base at least three (3) inches thick, and at least four (4) feet in width. Sidewalks shall be scribed in four-foot squares, with expansion joints no more than sixteen (16) feet apart coinciding with the four-foot markings in the sidewalk. Expansion joints shall be set 1/4 inch below the sidewalk's surface and are to be of one-half-inch-thick preformed bituminous material. Bituminous joints shall be located along the joint between the sidewalk and anywhere the sidewalk joins steps, paved driveways, curbs, or buildings. In residential districts where practical, a grass median at least four (4) feet in width shall be provided between the curb and sidewalk.
    - (b) Where a driveway entrance crosses over a sidewalk, that portion of the concrete shall be a minimum of six (6) inches thick reinforced by six-inch by six-inch wire mesh.
  - (2) Brick sidewalks.
    - (a) Brick sidewalks may be permitted in any zoning district. In zone districts that are not commercial, brick sidewalks shall be constructed in a manner acceptable to the Planning Commission.
    - (b) Brick sidewalks shall be required in all subdivisions proposed within a commercial zone. They shall be constructed of brick acceptable to the Planning Commission laid on a concrete base of structural equivalent to concrete sidewalks' specifications.
- D. Accessibility. Whenever curb and gutter and/or sidewalk construction is used on public streets, wheelchair ramps and depressed curbs for the disabled shall be provided at intersections and other major points of pedestrian flow. Wheelchair ramps and depressed curbs shall be constructed following published standards in the latest American Disabilities Act, Access Guidelines, or Uniform Federal Accessibility Standard (Americans with Disabilities Act) guidelines.

E. Survey monuments.

- (1) The applicant, at the applicant's expense, shall have a surveyor establish survey markers that are solid, free from movement, and constructed to be permanent. Survey marker materials and installation shall be approved by the Town Engineer, in compliance with any applicable Maryland regulations, and consistent with customary surveying practices in Maryland.
- (2) Survey markers shall be installed/placed at such corners, angle points, points of the curve, and intermediate points as may be necessary to define and locate rights-of-way, subdivision boundaries, lot boundaries, streets, and other areas or improvements designated by the Planning Commission or the Town Engineer. Generally, markers/monuments shall be spaced to be within sight of each other, the sightlines being contained wholly within the right-of-way limits.
- (3) The external boundaries of a subdivision shall be monumented in the field by survey markers placed not more than fourteen hundred (1,400) feet apart in any straight line, at all corners, at each end of all curves, at the point where a curve changes radius, at all angle points along the meander line, those points to be not less than twenty (20) feet back from the bank of any river or stream or edge of a wetland, except that when such corners or points fall within an existing street, the survey markers shall be placed in the sideline of the right-of-way.
- (4) All internal boundaries points along a proposed street, and those corners and points not referred to in the preceding subsection shall have survey markers at all block corners, at each end of all curves, at all points where a watercourse changes its radius, and at all angle points in any line.
- (5) The lines of lots that extend to watercourses shall have survey markers at the point of intersection of the river or stream lot line, with a meander line established not less than twenty (20) feet back from the bank of the river or stream or edge of a wetland.
- (6) All survey markers shall be set correctly in the ground and approved by a registered land or property line surveyor before the Zoning Inspector signs the final plat.

F. Water mains, connections, and fire hydrants. Water mains, connections, and fire hydrants shall be constructed in the subdivision according to the following standards and specifications:

- (1) All mains and fittings shall be cast iron or ductile iron, tar-coated, with rubber slop joint, as manufactured by Griffin-Pike Company, or equivalent. The pipe

may be polyvinylchloride (PVC) SDR-18. All mains, fittings, valves, pipes, fire hydrants, joints, and appurtenances shall be sized according to plan and approved by the St. Michaels Town Engineer and the Planning Commission. No main shall be less than six (6) inches in diameter.

- (2) At each building or residence connection, water meters of the Touch Read (TRPL) type, manufactured by Sensus, 5/8 inch by 3/4 inch in size, unless another size is required for fire suppression, shall be installed in water meter boxes of the Crescent No. z type (with brass), manufactured by Ford Meter Box Co., Inc., or equivalent. PVC taps shall be made with a stainless steel tapping saddle.
  - (3) A street box and valve shall be placed at each end of each street; all street boxes to be set in concrete at finished grade. Valves shall be Mueller or equivalent.
  - (4) To the extent practical, water mains and fittings shall be placed on the side of the street opposite from sewerage mains, not less than five feet outside of the street subbase. Cast-iron mains shall be covered with at least 3.5 feet of compacted bank-run gravel (GP-1). PVC shall be bedded in sand and covered with at least three feet of sand gravel. A plastic marker tape shall be installed twelve (12) inches below the finish grade.
  - (5) Fire hydrants shall be installed and so located throughout the subdivision that no building or residence shall be more than five hundred (500) feet from the nearest hydrant. All fire hydrants shall be of a six-inch size, manufactured by Waterous, Pacer (WB67) or equivalent, with steamer fittings, American Standard threads, with cutoff valves, and cast-iron valve boxes.
- G. Sanitary sewer mains and connections. Sanitary sewer mains, pipes, pumps, connections, manholes, laterals, and appurtenances shall be constructed in the subdivision according to the Talbot County Public Works Department's standards and requirements, as promulgated and amended from time to time.
- H. Storm sewers. To the extent that storm sewers are provided as part of the approved stormwater management features and facilities, such storm sewers shall be constructed in the subdivision according to the following procedures, standards, and specifications:
- (1) The applicant shall prepare and submit to the Planning Commission and the Town Engineer a proposed design and calculations for storm sewers in all subdivisions or developments.
  - (2) The necessity of location, type, materials, and sufficiency of all storm sewers are subject to the Planning Commission's approval upon consultation with the Town Engineer.

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- (3) Storm sewers shall have the diameter approved by the Town Engineer.
- (4) Manholes for storm sewers shall be installed as required by the Town Engineer and the Planning Commission.
- I. Streetlighting and street name signs. Streetlighting and street name signs shall be constructed in the subdivision according to the following standards and specifications:
  - (1) The applicant shall prepare a streetlighting plan, which shall include the location of lighting, the method of installation, and an estimate by a lighting engineer of the illumination provided by such a plan, and the cost of power for such illumination. The plan must be submitted to the Planning Commission for approval, and the applicant must bear the cost of installation of all street lighting if any, as required by the Planning Commission.
  - (2) Street name signs shall be installed at the expense of the applicant. The Planning Commission shall approve names for streets that have been recommended by the applicant and shall be shown on the final plat.
- J. Landscape Standards. See § 340-178.

**§ 110-56. Submittal of plans by applicant.**

- A. Before the Town issues any permits, and before any work is undertaken or caused to be undertaken by the applicant, detailed plans, signed with the seal of a registered professional engineer, of the proposed streets, sidewalks, curbs, gutters, water, and sewer lines shall be approved by the Town Engineer.
- B. Such detailed plans shall show locations of the required improvements and indicate grades and slopes which have been established by a licensed and qualified surveyor. The plans shall also contain a statement by the applicant that any such grades and slopes are adequate to ensure proper drainage.
- C. The applicant shall further agree to be wholly responsible for the cost of all materials, labor, and any other expenses incident to the construction of the required improvements in the subdivision and shall maintain such improvements until they are accepted by and conveyed to the Commissioners.
- D. The applicant shall maintain liability insurance in the amount approved by the Town Clerk/Manager during said work. An endorsement naming the Commissioners of St. Michaels as insured or covered persons for all work performed by, on behalf of, or for the applicant's benefit shall be provided to the Town Clerk along with proof of coverage in the requisite amount. The applicant shall agree to defend and indemnify the

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Commissioners of St. Michaels from any claims made against the Commissioners of St. Michaels or its officials, employees, or representatives as the result of any work performed by, for, or on behalf of the applicant on or around any public roads, ways or lands owned or maintained by the Commissioners of St. Michaels.

**§ 110-57. Inspection of work.**

- A. The Maryland Department of the Environment (MDE) is responsible for inspections during construction and the enforcement of all conditions made a part of the approved sediment and erosion control plan, nontidal wetlands permits, and NOI permits (stormwater discharge) for all state and federal construction projects as well as private construction projects. Any observed deviations from the approved plans or failure to control runoff from the site shall result in immediate notification to the owner/developer and the Compliance Department of MDE. MDE shall be the agency responsible for establishing those actions necessary to bring the project into compliance with the approved plans/permits and the placement of sanctions should it be determined to be necessary. Should MDE not address a situation where water quality is a severe issue within twenty (24) hours after receiving notification, the Town shall contact their Consulting Engineer. The Consulting Engineer shall meet on the site with the property owner/developer or his representative to review the situation and recommend a temporary solution until MDE determines a final solution. The owner/developer shall be responsible for all engineering and remediation costs.
- B. Upon completion of all phases of construction related to the above-noted permits, MDE's responsibilities shall cease, and the Town shall become the enforcement body after that.
- C. Construction of all other required improvements (water, sewer, streets, curbs, and stormwater retention and treatment facilities) shall be supervised and inspected, and all completed improvements tested by or under the supervision of a registered professional engineer, known as the Inspection Engineer; who shall be selected and employed by the Town at the expense of the applicant. The applicant shall maintain a retainer with the Town Clerk/Manager that shall be replenished monthly and shall be sufficient in amount to cover the reasonably anticipated monthly expenditures for the Inspection Engineer. The Town Clerk/Manager will provide the applicant with the Inspection Engineer's monthly invoice, and the parties shall cooperate in resolving billing issues. The Town Clerk/Manager shall have the final say in the amount owed to the Inspection Engineer and, thus, in the amount owed to the Town for inspection work. The Zoning Inspector may issue a stop-work order if and whenever the applicant fails to fulfill its obligation to pay the Inspection Engineer. The applicant shall pay the full expense of the Town's Inspection Engineer before final approval and acceptance of the improvements.

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**§ 110-58. Approval and acceptance.**

- A. Upon completion of construction of the improvements required by this Chapter, and before acceptance by the Commissioners, the applicant shall deliver to the Town as-built plans acceptable to the Town Engineer and the Inspection Engineer signed and sealed by a registered professional engineer.
- B. The applicant shall warrant all improvements for one (1) year from the time of acceptance by the Town. The applicant shall obtain a maintenance bond in the amount of 20% of the improvements' cost to cover the one-year warranty. In lieu thereof, the performance bond may be extended for the warranty period.
- C. Upon completion of construction per the plans as accepted by the Commission, inspection, and testing to show construction to the required specifications in the judgment of the Town's Inspection Engineer, and warranty of maintenance by the applicant, the Commissioners shall accept the improvements.
- D. Upon the approval and written acceptance of the improvements by the Town, the streets, sidewalks, gutters and curbs, water and sewerage lines, hydrants, pumps, couplings, joints, and all other things connected in addition to that shall become the exclusive property of the Town. Upon written acceptance thereof, the Town shall, after that, assume the responsibility of maintenance.

**Article VI. Improvement Guarantees Subdivisions.**

**§ 110-59. Public works agreements.**

Before the Planning Commission approves a final plat of any subdivision (except in the case of minor subdivisions wherein the Commission imposes no condition or conditions for the plat), and as a requisite for signature approval of a final plat:

- A. The owner of the land and the applicant shall enter into a public works agreement with the Town in the manner and form set forth by the Town Attorney where the owner/applicant shall agree:
  - (1) To construct or cause to be constructed, at his own expense, and under a surety bond, all streets, curbs, sidewalks, fire hydrants, street signs, monuments, water and sewerage facilities, all stormwater management facilities or features other than stormwater management facilities or features that serve only an individual lot where such eventual individual lot owner will be required, according to documents recorded in the Land Records of Talbot County, to establish such stormwater management facilities or features, and other improvements shown on



or accompanying said final plat when required to do so by the Planning Commission following the final plats, as finally approved, and in strict accordance with the standards and specifications of the Town;

- (2) To maintain at the applicant's/owner's own cost all streets, curbs, sidewalks, fire hydrants, street signs, monuments, water and sewerage facilities, all stormwater management facilities or features other than stormwater management facilities or features that serve only an individual lot where such eventual individual lot owner will be required, according to documents recorded in the Land Records of Talbot County, to establish such stormwater management facilities or features, and other improvements shown on or accompanying said final plat, until the Town accepts the same, and upon acceptance thereof, to post a maintenance bond to the Town for one (1) year;
  - (3) To obtain the easements and releases required when any streets, curbs, sidewalks, fire hydrants, street signs, monuments, water and sewerage facilities, all stormwater management facilities or features other than stormwater management facilities or features that serve only an individual lot where such eventual individual lot owner will be required, according to documents recorded in the Land Records of Talbot County, to establish such stormwater management facilities or features, and other improvements shown on or accompanying said final plat wherein a subdivision abuts or traverses the 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, and such releases shall inure to the benefit not only of the owner of the subdivision but to the Town as well; and
- B. An agreement or covenants and conditions recorded in the Land Records of Talbot County shall be completed for improvements that are not subject to a public works agreement. These improvements shall be subject to inspection and acceptance by the Town Engineer, the Zoning Inspector, and other proper authorities.

**§ 110-60. Bonds.**

- A. Performance bond. In order to assure the Town that all streets, curbs, sidewalks, fire hydrants, street signs, monuments, water and sewerage facilities, all public stormwater management facilities or features other than stormwater management facilities or features that serve only an individual lot where such eventual individual lot owner will be required, pursuant to documents recorded in the Land Records of Talbot County, to establish such stormwater management facilities or features, and other improvements

shown on or accompanying said final plat 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 in a form acceptable to the Town Attorney with such surety and in such form as the Town Commissioners 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 applicant/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 applicant/owner maintaining at his own cost said streets, curbs, sidewalks, fire hydrants, street signs, monuments, water and sewerage facilities, all public stormwater management facilities or features, and all stormwater management facilities or features that serve other than an individual lot where such eventual lot owner will be required, according to documents recorded in the Land Records of Talbot County, to establish such stormwater management facility or feature, and other improvements shown on or accompanying said final plat, until the same are accepted by the Town for public use or dedicated/deeded to a homeowners' association or like entity; and
  - (3) Acceptance of title to said improvements; and
  - (4) The faithful performance by the applicant/owner of the public works agreement is required by § 110-59 of this article.
- B. Maintenance bond: Concurrent with the Town's acceptance of the improvements, the applicant/owner shall provide a maintenance bond with a surety and in such form as the Town Attorney, and the Town Commissioners shall approve, or a letter of credit in such form as the Town Attorney shall approve and, in an amount sufficient to cover 25% of the projected total construction cost as approved by the Town Engineer, except for streets, roads and stormwater management facilities and features (other than stormwater management facilities and features on individual lots that are required under covenants or conditions recorded in the Land Records of Talbot County), which shall be in the

amounts outlined 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 subcontractors; and
- (2) The faithful performance by the owner of the public works agreement is required by § 110-59 of this article.

C. Street, road, and storm drainage bonding methods and amounts:

- (1) For streets, roads, storm drainage facilities, and all improvements appurtenant to that, the applicant/owner may choose between either bonding method below for the performance bonds.
  - (a) Bonding Method A: A cash or corporate bond equal to 25% of the base construction cost plus 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 stabilization and other submittals deemed necessary by the Town Engineer, building permits will be issued.
  - (b) Bonding Method B: A cash or corporate bond equal to 110% of the base construction cost plus 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 submittal 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 a bituminous concrete base course).
- (2) For streets, roads, and stormwater management facilities and features (other than stormwater management facilities and features on individual lots that are required according to covenants or conditions recorded in the Land Records of Talbot County), and all improvements appurtenant thereto, the owner (subdivider) shall post a maintenance bond in an amount equal to 10% of the surface construction cost, as approved by the Town Engineer.

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- D. The 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 Commissioners of St. Michaels and no other parties. The requirement that the applicant/owner provide performance or maintenance bonds is intended to secure the Commissioners of St. Michaels before and after accepting improvements for public dedication. It does not create, nor is it intended to create any third party beneficiary rights.

**§ 110-61. Appeals.**

Appeals from the Planning Commission's decisions under this article may be made to the Circuit Court of Maryland for Talbot County under Maryland law.

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## APPENDIX A

### BASIC INFORMATION REQUIRED ON SITE PLANS

**NOTE:** All site plans must be clear and legible. Incomplete site plans will be returned to the applicant for completion and resubmission.

Item#	DESCRIPTION	Sketch Plan	Major Site Plan	
			Prelim.	Final
<b>I.</b>	<b>PROJECT-PLAT INFORMATION</b>			
1.	Name, address of the owner, applicant, developer and lienholder, date of application.	X	X	X
2.	Name and address of the engineer, land surveyor architect, planner, and/or landscape architect, as applicable, involved in document preparation.	X	X	X
3.	Date of the survey.		X	X
4.	Seal, signature, and license number of an engineer, land surveyor, architect, and/or landscape architect, as applicable involved in document preparation. Each sheet must have a surveyor's seal.		X	X
5.	Title block denoting name and type of application, tax map sheet, block and lots, parcel, and street location.	X	X	X
6.	Location of the tract by an insert map or vicinity map at a scale of no less than one (1) inch equals 600 feet, and such information as the names and numbers of adjoining roads, streams, and bodies of water, subdivisions, or other landmarks sufficient to identify the location of the property.	X	X	X
7.	Existing and proposed zoning of the tract and adjacent property.	X	X	X
8.	Proposed use of the structural addition.	X		
9.	Title, north arrow, and scale (1"=100').		X	X
10.	Appropriate signature block for Town officials.		X	X
11.	Appropriate certification blocks.			X
12.	Standardized sheets 18"x24" (final - black ink on mylar).		X	X
13.	Metes and bounds survey showing dimensions, bearings, curves, data, length of tangents, radii, arc, chords, central angles for all centerlines and rights-of-way, and centerline curves on streets datum, and benchmarks.		X	X
14.	The acreage of the tract to the nearest thousandth of an acre.	X	X	X
15.	Date of original and all revisions.		X	X
16.	Size and location of any existing or proposed structures with all setbacks dimensioned (for sketch plan the general location but not dimensioned setbacks). Include storm drains, culverts, retaining walls, fences, stormwater management facilities, sediment, and erosion structures.	X	X	X
17.	Location, dimensions, bearings, names of any existing or proposed roads or streets. The location of pedestrian ways, driveways, right of way, widths. (for concept plans, general locations).	X	X	X
18.	Location and type of utilities.		X	

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Item#	DESCRIPTION	Sketch Plan	Major Site Plan	
			Prelim.	Final
19.	General location, character, size, height, and orientation of proposed signs.		X	
20.	Location, type, size, the height of fences, walls, screen planting, landscaping, and buffer areas.		X	
21.	Any existing or proposed easement (drainage and utility) or land reserved for or dedicated to public use. Location, dimensions of proposed reservations, right of ways, open space, buffers, forested areas, and how these areas will be permanently maintained.		X	X
22.	Statement of owner dedicating streets, right-of-way, and any sites for public use.			X
23.	Development stages or phasing plans (for concept plans, general phasing). Sections numbered by phase.			
24.	The total number of off-street parking spaces, including ratio and number of units per space.	X	X	X
25.	List of required regulatory approvals/permits.		X	
26.	List of variances required or requested.	X	X	
27.	Any requested or obtained design waivers or exceptions.		X	X
28.	Payment of application fees.		X	X
29.	The total area of the site that will be temporarily and/or permanently disturbed.		X	
II.	<b>ADDITIONAL INFORMATION REQUIRED FOR ADULT ORIENTED BUSINESSES</b>			
30.	Exterior doors and designate which doors will be for public ingress and egress		X	X
31.	Location of all exterior lighting and video surveillance devices		X	X
32.	Interior layout of every building and structure, including but not limited to:			
	- All walls, partitions, doors, windows, counters, screens, or room dividers;		X	X
	- All performance areas;		X	X
	- All performance seating or viewing booths or areas;		X	X
	- All management stations;		X	X
	- The dimensions and general layout of every room or area open to patrons;		X	X
	- The dimensions and designation of every room accessible only to performers and or employees of the business; and		X	X
	- The location and orientation of any merchandise displays.		X	X
III.	<b>SETTING-ENVIRONMENTAL INFORMATION</b>			
33.	All existing streets, watercourses, flood plains wetlands, or other environmentally sensitive areas on or adjacent to the site.	X	X	
34.	Existing rights-of-way and/or easements on or immediately adjacent to the tract.		X	
35.	Topographical features of the subject property from USGS map or more accurate source at 2'-5' intervals, 50' beyond the boundary, with source stated on maps.		X	
36.	Field delineated or survey topo.			X
37.	General areas of >15% slope shaded and identified as steep slopes.			

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			Prelim.	Final
38.	Slope analysis of >15% slopes. These areas shall be shaded and identified as steep slopes.		X	X
37.	Forest Stand Delineation, as required.		X	
39.	The existing drainage system of the subject site and adjacent sites and any larger tract or basin is a part.		X	X
40.	A 100 Year Flood Plain based on FEMA maps.		X	X
41.	Tidal and non-tidal wetland delineation based on NWI maps and field review.		X	
42.	Non-tidal wetlands identification based on field delineation/determination.			X
43.	Location of sensitive areas and their Buffers	X	X	X
44.	Soil types based on County Soil Survey.		X	
45.	Traffic Impact Study, as required.		X	
<b>IV FOR SITES LOCATED WHOLLY OR PARTIALLY IN THE CRITICAL AREA</b>				
46.	The number of acres in the Critical Area.	X	X	
47.	Mean high waterline and landward edge of tidal wetlands.	X	X	
48.	Location of existing forested areas to be disturbed by construction. Planting plan approved by the Maryland Forest Service (final).	X	X	X
49.	The known locations of HPA's, the habitat of any threatened or endangered species, and the habitat of any Species in Need of Conservation (see Denton Critical Area Program). Habitat Protection Plan reviewed by the Maryland Fish, Heritage, and Wildlife Administration.	X	X	X
50.	The location of the Critical Area Buffer and the expanded Buffer, as required.	X	X	
51.	The 100' Buffer line, lot coverage, mitigation size, and location of adjacent structures, if applicable	X		
52.	Hydric and highly erodible soils based on the County Soil Survey.	X	X	
53.	Shore erosion protection plan, if applicable.	X		X
54.	Environmental assessment.		X	
<b>III. PLATS, IMPROVEMENT PLANS, AND CONSTRUCTION INFORMATION</b>				
55.	Grading and drainage plans, including roads, drainage ditches, sediment basins, and berms.		X	X
56.	Existing and proposed contour intervals as follows:		X	X
	Less than 5% slope = 1 foot			
	5 to 15% slopes = 2 feet or less			
	>15% = as required for construction			
57.	The proposed location and size of the vehicular entrance(s) to the site.	X	X	X
58.	Existing and proposed utility infrastructure plans and profiles, including sanitary sewer, water, storm drainage, and stormwater management.		X	X
59.	Grades and sizes of sanitary sewers and waterlines.		X	X
60.	Direction and distance to water and sewer if not available on or adjacent to the site with invert and elevation of the sewer.		X	
61.	Location of any outdoor storage areas.		X	X
62.	Location of fire hydrants.		X	X

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Item#	DESCRIPTION	Sketch Plan	Major Site Plan	
			Prelim.	Final
63.	Construction details as required by ordinance.			X
64.	Stormwater Management Plan.		X	X
65.	Soil Erosion and Sediment Control Plan.		X	X
66.	Lighting plan and details.			X
67.	Landscape plan and details.		X	X
68.	Forest Conservation Plan		X	X
69.	Preliminary architectural plan and elevations and statements concerning compliance with the standards outlined in Chapter 340, Article XVII.	X	X	X
70.	Required County, State, and/or Federal or approvals, e.g., State Highway Administration, County Public Works, Army CORPS of Engineers, DNR Wetlands Permit/License, MDOE Quality Certification, MDOE sanitary construction permit, local Health Department approvals.			X
71.	Public works agreement and surety instruments, as required.			X

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**Appendix B**  
**Basic Information Required with Subdivision Plats and Improvement Plans**

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

ITEM	DESCRIPTION	Subdivision Plats				
		Sketch	Revision	Minor	Prelim.	Final
<b>I.</b>	<b>GENERAL INFORMATION</b>					
1	Name, address of owner, applicant, developer and lienholder, date of application.	X	X	X	X	X
2	Name and address of the engineer, land surveyor architect, planner, and/or landscape architect, as applicable, involved in document preparation.		X	X	X	X
3	Date of the survey.		X	X	X	X
4	Seal, signature, and license number of the engineer, land surveyor, architect, and/or landscape architect, as applicable, involved in document preparation. Each sheet must have a surveyor's seal.		X	X	X	X
5	Title block denoting name and type of application, tax map sheet, block and lots, parcel, and street location.	X	X	X	X	X
6	A vicinity map at a specified scale (no smaller than 1"=200') shows the tract's location with reference to surrounding properties, streets, landmarks, streams, etc. Show all of the property owned according to the Tax Map(s) if only part of the property is developed.	X	X	X	X	X
7	Existing and proposed zoning of the tract and adjacent property.	X	X	X	X	X
8	Adjacent property owners, names, Liber, and Folio.		X	X	X	X
9	Title, north arrow, and scale (1"=50') or another scale as determined by the Planning Commission.	X	X	X	X	X
10	Appropriate signature block for Planning Commission chairman and other approving authorities.		X	X	X	X
11	Appropriate certification blocks.			X	X	X
12	Certification and dedication by the owner or owners to the effect that the subdivision, as shown on the final plat, are made with their consent and desired to record the same.			X		X
13	Monuments, location, and description.		X	X		X
14	Standardized sheets 18"x24" (final- black ink on mylar).		X	X	X	X
15	Metes and bounds survey showing dimensions, bearings, curve, data, length of tangents, radii, arc, chords, and central		X	X	X	X

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ITEM	DESCRIPTION	Subdivision Plats				
		Sketch	Revision	Minor	Prelim.	Final
	angles for all centerlines and rights-of-way, and centerline curves on streets, datum, and benchmark, primary central points approved by the Town Engineer. (Boundary of proposed subdivision can be a deed plot).					
16	The acreage of the tract to the nearest thousandth of an acre.	X	X	X	X	X
17	Date of original and all revisions.		X	X	X	X
18	Size and location of any existing or proposed structures with all setbacks dimensioned. Include storm drains, culverts, retaining walls, fences, stormwater management facilities, and sediment and erosion structures.	X		X	X	X
19	Building restriction or setback lines (BRL, BSL)	X	X	X	X	X
20	Location, dimensions, bearings, names of any existing or proposed roads or streets. The location of pedestrian ways, driveways. Right-of-way widths.				X	X
21	All proposed lot lines (width and depth) and area of lots in square feet, number of lots, lot numbers.	X	X	X	X	X
22	Location and type of utilities.	X		X	X	X
23	Copy and/or delineation of any existing or proposed deed restrictions or covenants.				X	X
24	References to protective covenants governing the maintenance of public spaces or reservations not dedicated to the Town.					X
25	Location and size of proposed common open space and/or other public areas.				X	X
26	Any existing or proposed easement (drainage and utility) or land reserved for or dedicated to public use. Location, dimensions of proposed reservations, right of ways, open space, buffers, forested areas, and permanent maintenance means.			X	X	X
27	Statement of owner dedicating streets, right-of-way, and any sites for public use.					X
28	Development stages or phasing plans, if applicable. Sections numbered by phase.				X	X
29	List of required regulatory approvals/permits.				X	X
30	List of variances required or requested.				X	X
31	Requested or obtained design waivers or exceptions.				X	X
32	Payment of application fees.		X	X	X	X
<b>II.</b>	<b>SITE CONDITIONS</b>					

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ITEM	DESCRIPTION	Subdivision Plats				
		Sketch	Revision	Minor	Prelim.	Final
33	All existing streets, watercourses, flood plains wetlands, or other environmentally sensitive areas on or adjacent to the site.	X			X	X
34	Existing rights-of-way and/or easements on or immediately adjacent to the tract.	X	X	X	X	X
35	Topographical features of the subject property from USGS map or more accurate source at 2'-5' intervals, 50' beyond the boundary, with source stated on maps.			X		
36	Field delineated or survey topo.				X	X
37	General areas of >15% slope shaded and identified as steep slopes.					
38	Slope analysis of >15% slopes. These areas shall be shaded and identified as steep slopes.				X	X
39	Forest Stand Delineation.				X	
40	The existing system of drainage of the subject site and adjacent sites and of any larger tract or basin of which it is a part.				X	X
41	A 100-Year Flood Plain based on FEMA maps.	X	X	X	X	X
42	Tidal and non-tidal wetland delineation based on NWI maps and field review.	X			X	X
43	Non-tidal wetlands identification based on field delineation/determination.			X	X	X
44	Location of sensitive areas and their buffers.	X		X	X	X
45	Soil types based on County Soil Survey.			X	X	X
46	Traffic Impact Study, as required.				X	
47	Statement of effect on schools and school bus service, as required.					
<b>III</b>	<b>FOR SITES LOCATED WHOLLY OR PARTIALLY IN THE CRITICAL AREA</b>					
48	Location of the Critical Area District boundary and Critical Area designation.	X		X	X	X
49	The number of acres in the Critical Area.	X		X	X	X
50	Mean high waterline and landward edge of tidal wetlands.	X		X	X	X
51	Location of existing forested areas to be disturbed by construction. Planting plan approved by the Maryland Forest Service.	X		X	X	X
52	The known locations of HPA's, the habitat of any threatened or endangered species, and the habitat of any Species in Need of Conservation. Habitat Protection Plan	X		X	X	X

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ITEM	DESCRIPTION	Subdivision Plats				
		Sketch	Revision	Minor	Prelim.	Final
	reviewed by the Maryland Fish, Heritage, and Wildlife Administration.					
53	The location of the Critical Area Buffer, the expanded Buffer, and any Buffer Establishment Areas as required.	X		X	X	X
54	Hydric and highly erodible soils based on the County Soil Survey.			X	X	X
55	Shore erosion protection plan, if applicable.			X		X
56	Environmental assessment, as required by the Planning Commission.				X	
<b>IV. IMPROVEMENT PLANS</b>						
57	Subdivision plat.		X	X	X	X
58	Grading and drainage plans, including roads, drainage ditches, sediment basins, and berms.				X	X
59	Proposed street grades, typical cross-sections, profiles, right-of-way widths, pedestrian ways, and roads' total area.				X	X
60	Existing and proposed utility infrastructure plans and profiles, including sanitary sewer, water, storm drainage, and stormwater management, as appropriate in the case of minor subdivisions.				X	X
61	Grades and sizes of sanitary sewers and waterlines.				X	X
62	Direction and distance to water and sewer if not available on or adjacent to the site with invert and elevation of the sewer.				X	
63	Certification from electric and telephone utilities of adequate facilities to serve the proposed development.					X
64	Location of fire hydrants.				X	X
65	Construction details.					X
66	Stormwater Management Plan.				X	X
67	Soil Erosion and Sediment Control Plan.				X	X
68	Lighting plan and details.				X	X
69	Landscape plan and details				X	X
70	Forest Conservation Plan.				X	X
71	Forest Management Plan (in the Critical Area)					X
72	Proposed street names.				X	X
73	New block and lot numbers.				X	X
74	Required County, State, and/or Federal or approvals, e.g., State Highway Administration, County Public Works, Army CORPS of Engineers, DNR Wetlands Permit/License,			X	X	X

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ITEM	DESCRIPTION	Subdivision Plats				
		Sketch	Revision	Minor	Prelim.	Final
	MDOE Quality Certification, MDOE sanitary construction permit, local Health Department approvals.					
75	Public works agreement and surety and/or Developers Rights and Responsibility Agreement (DRRA).					X

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**APPENDIX C**  
**TECHNICAL ADVISORY COMMITTEE (TAC) PROCEDURES**

- A. Purpose. The Technical Advisory Committee (TAC) includes representatives of federal, state, Talbot County, and St. Michaels' agencies and departments who may have compliance input into any approvals required or any proposed site development or subdivision. The TAC reviews plats or plans for compliance with applicable local, state, and federal requirements. The purpose of the TAC review procedures is to inform an applicant for site plan or subdivision approval of requirements that might apply to the proposed site development or subdivision as early as practicable. The procedure and TAC comments present an opportunity for the applicant to address and resolve conflict or common concern issues in a coordinated and cost-efficient manner.
- B Meetings. There are two types of TAC meetings:
- (1) Plan review meetings (PRM), for review of initial or substantially amended site plan or subdivision submittals; and
  - (2) Compliance review meetings (CRM), for review of substantially correct and complete final site plans, final plats, and minor amendments to it before the Planning Commission's signature approval.
- C. Meeting agenda. The Zoning Inspector shall establish the PRM and CRM agenda and may limit the topics of discussion and consideration.
- D. Plan review meetings (PRM).
- (1) Upon determining that a new or substantially amended site plan or subdivision application (i.e., sketch plan, preliminary, or final submittals) is complete, the Zoning Inspector shall submit copies of the submittals to the members of the TAC who the Zoning Inspector determines should participate in a PRM. The PRM shall be scheduled during the next available TAC meeting. If there is a backlog of applications, the TAC shall consider applications in the order completed. No meeting will be scheduled for a major site plan or subdivision until the TAC has at least five (5) business days to review the submittals.
  - (2) PRM shall be open to the public, but the public may not make oral comments or presentations during a PRM. Interested persons may submit written comments on a site plan or subdivision application to the Zoning Inspector before, on the day of, or within seven (7) days after a PRM.
  - (3) The agenda of a PRM shall be prominently displayed on the Town of St. Michaels website. Also, public notice of a PRM shall be provided on the Bulletin Board at the Municipal Building/Town Office.

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- E. Compliance review meetings (CRM). The CRM provides a coordinated agency review of each final site plan, subdivision plat, and revisions. The CRM ensures that all conditions and requirements have been addressed before such a site plan or plat is submitted to the Planning Commission for signature/execution and recordation in the Land Records of Talbot County.
- F. Action by Zoning Inspector. Within fifteen (15) days (excluding holidays and holiday weekends) following a PRM, the Zoning Inspector will transmit to the applicant the comments of the reviewing agencies and one of the following:
  - (1) A notice to proceed if the site plan or subdivision plat is determined to comply or substantially comply with the applicable requirements.
    - (a) If no revisions are needed, a complete and correct site plan or subdivision plat will be approved.
    - (b) The site plan or subdivision plat shall be approved subject to conditions if it is substantially complete and correct but requires minor corrections and revisions.
  - (2) A notice of noncompliance if the site plan or subdivision plat is not in substantial compliance with applicable requirements.
- G. Action by Planning Commission. The following procedures apply only to site plans or subdivision plats for which this article requires Planning Commission approval.
  - (1) Scheduling. After the Zoning Inspector issues a notice to proceed following the PRM, the application shall be placed on the agenda of the next available Planning Commission meeting for which the required public notice can be provided, and the Planning Commission may be afforded a reasonable opportunity to review the site plan or subdivision application submittals. If the applicant requests an opportunity to revise a site plan or subdivision plat before submittal to the Planning Commission, the application shall not be placed on the Planning Commission meeting agenda until the earlier of the next Planning Commission meeting after the submittal of the revised site plan or subdivision plat or the next meeting within sixty (60) days following approval or approval with conditions by the TAC.
  - (2) Notice. Notice of the hearing shall be provided at least twenty (20) days before the public meeting of the Planning Commission to review a site plan or subdivision application as provided below:
    - (a) Notice shall be posted on the Internet site of St. Michaels advising of the hearing and the address/location of the property proposed for subdivision; and

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- (b) Notice of the proposed site plan or subdivision shall be mailed, at the applicant's expense, to each adjacent property owner, as determined from records maintained by the State Department of Assessments and Taxation, of the proposed subdivision. The notice shall include the date of the hearing, location, time, and the subject of the hearing; and
  - (c) Notice posted on the property proposed for a site plan or subdivision will include the hearing date, be placed at locations conspicuous to public view, and utilize a sign large enough for public viewing from public byways. The applicant is responsible for all notice expenses.
- (3) Staff report. The Zoning Inspector shall prepare a staff report on all applications, which shall be provided to Planning Commission members and the applicant and be available for public review before the Planning Commission meeting.
- (4) Planning Commission action. At its public meeting, the Planning Commission shall consider the application, the staff report, and any comments made by the applicant and citizens before taking action. The Commission's actions may include approval, approval subject to conditions, or disapproval of a site plan or subdivision. The Planning Commission may defer action to a subsequent Planning Commission meeting, particularly if the record is held open. The public meeting is not an evidentiary or quasi-judicial hearing. There is no right to present evidence or to cross-examine persons who speak at the meeting. The Chair of the Planning Commission shall decide what procedures will be implemented during the meeting on a specific application. The Chair shall allow the applicant or public members to make oral presentations relevant to the subject being discussed. The Chair may establish time limits for any oral comments allowed. Planning Commission members may ask questions of the applicant or any citizen at a meeting. The hearing record will incorporate all letters or exhibits received by the Planning Commission. The TAC member(s) will review all relevant technical data or comments presented. Oral comments offered need not be recorded or transcribed. An administrative record will be maintained of all documents, including electronically stored or transmitted documents, that are correctly submitted to and available for consideration by the Planning Commission.
- (5) Review notice.
  - (a) If the Planning Commission approves a site plan or subdivision plat or approves either subject to conditions, the Zoning Inspector shall issue a notice to proceed. This notice authorizes the applicant to proceed to the next stage of a site plan or subdivision plat review and stating any conditions imposed by the Planning Commission.



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- (b) If the Planning Commission disapproves a site plan or subdivision plat, the Zoning Inspector shall issue a notice of noncompliance and specify the ~~deficiencies with the application.~~

H. Application and submittals format.

- (1) Applications for site plan approval shall contain the information outlined in Appendix A.
- (2) Applications for subdivision approval shall contain the information outlined in Appendix B.
- (3) The information required in the event a special exception or variance from a zoning requirement may be necessary as governed by Chapter 340 of the Town Code.
- (4) The Zoning Inspector shall have the authority to request additional information not explicitly listed on the application forms to ensure compliance with this Town Code and the other laws and regulations applicable to the proposed site development or subdivision.
- (5) The Zoning Inspector may waive any information requirements he/she agrees are not necessary at the applicant's written request.

I. Fees. All applications must be accompanied by the fees required by the fee schedule established by the Town Commissioners.

J. Review for completeness. The Zoning Inspector generally shall, within no more than fifteen (15) days after receipt of an application, determine whether the application is complete. If the application is not complete, the applicant shall be notified in writing, specifying the deficiencies, listing additional information that must be supplied, and stating that the Town will take no further review of the application until the deficiencies are corrected, and any additional information or material is submitted.

K. Coordinated processing. If the Town Code requires more than one type of application for a proposed development or subdivision, the Zoning Inspector will, to the extent practicable, provide for concurrent review of applications related to the same proposed development or activity.

L. Notification of Critical Area Commission.

- (1) If a site plan or subdivision plat application involves development located wholly or partially within the Critical Area; the Zoning Inspector will invite a representative from the Critical Area Commission (CAC) to participate in the TAC meeting. The applicant shall provide a copy of all submittals for the Town to forward to the CAC.

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- (2) The Zoning Inspector shall provide the applicant with copies of any comments received from the CAC about the applicant's proposed site development or subdivision. The applicant shall copy the Zoning Inspector with any comments that the applicant receives from the CAC relative to the proposed subdivision.
- (3) If the applicant will require growth allocation to develop the land proposed for development or subdivision or any portion thereof; the applicant will be required to obtain such growth allocation before the submittal of a site plan or subdivision plat application according to this chapter.

### **SECTION 3.**

**HAVING BEEN INTRODUCED**, read for the first time and ordered posted on the Town bulletin board at the Public Meeting of the Commissioners of St. Michaels held on this 24<sup>th</sup> day of March, 2021, at 6 o'clock p.m., in the meeting room at the Edgar M. Bosley, Jr. Municipal Building (Town Office), St. Michaels, Maryland.

  
\_\_\_\_\_  
Jean R. Weisman  
Town Clerk/Manager

**HAVING BEEN READ** for the second time and passed by a yea and nay vote of The Commissioners of St. Michaels at a Public Hearing of The Commissioners of St. Michaels held on this 14<sup>th</sup> day of April, 2021, at 6 o'clock p.m., in the meeting room at the Edgar M. Bosley, Jr. Municipal Building (Town Office), St. Michaels, Maryland.

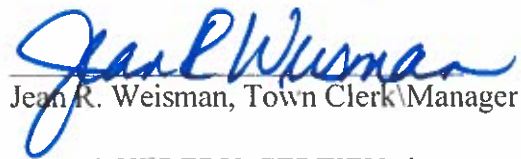
Bibb	-	__yea__
Breimhurst	-	__yea__
duPont	-	__yea__
Windon	-	__yea__
Harrod	-	__yea__

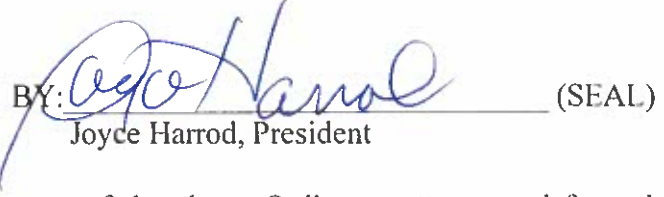
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I HEREBY CERTIFY that this Ordinance was passed by a yea and nay vote of The Commissioners of St. Michaels on the 14<sup>th</sup> day of April, 2021 , and that the Exhibit attached hereto is a true copy of the Exhibit referred to in this Ordinance.

ATTEST:

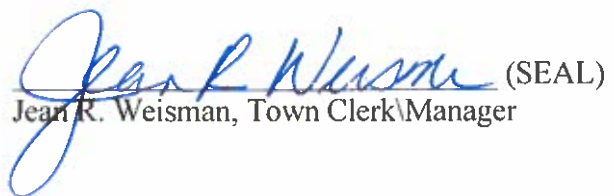
THE COMMISSIONERS OF ST. MICHAELS

  
Jean R. Weisman, Town Clerk\Manager

BY:  (SEAL)  
Joyce Harrod, President

I HEREBY CERTIFY that an exact copy of the above Ordinance was posted from the 15<sup>th</sup> day of April, 2021, at 8:30 o'clock a.m. to the 4<sup>th</sup> day of May, 2021, at 4:30 o'clock p.m., on the bulletin board at the Town Office in St. Michaels, Maryland, and that a summary of the above Ordinance, the date of its passage, its effective date and the fact that the entire text of the Ordinance may be read on the bulletin board of the Town Office, St. Michaels, Maryland, for at least twenty (20) days following the passage, has been published at least once each week for three (3) consecutive weeks following the passage of said Ordinance in a newspaper having general circulation in the Town of St. Michaels.

Date: 5/5, 2021

 (SEAL)  
Jean R. Weisman, Town Clerk\Manager