

ORDINANCE 2001-06

AN ORDINANCE TO PROTECT, MAINTAIN AND ENHANCE PUBLIC HEALTH, SAFETY, WELFARE AND COMMON INTEREST OF THE CITIZENS OF THE LOCAL JURISDICTION BY ESTABLISHING MINIMUM REGULATIONS FOR SUBDIVISION AND LAND DEVELOPMENT IN ACCORDANCE WITH MARYLAND SMART GROWTH PRINCIPLES

WHEREAS, the City of Frostburg is a Municipal Corporation of the State of Maryland organized and operating under Charter adopted in accordance with Article XI-E of the Constitution of Maryland and Article 66B of the Annotated Code of Maryland as amended; and

WHEREAS, pursuant to Section 501 (25) of the Charter the City of Frostburg has the power to pass such Ordinances as necessary to plan in the City in accordance with State Law for the residents of the City of Frostburg; and

WHEREAS, the Planning Commission has prepared and recommended the adoption of Subdivision and Land Development Regulations as in accordance with Article 66B of the Annotated Code of Maryland Section 503; and

WHEREAS, the City of Frostburg adopted Subdivision Regulations on October 20, 1975 and said Regulations are codified in the City Code of the City of Frostburg as Article VII, Section I (B); and

WHEREAS, the Planning Commission has recommended an to update the Frostburg Subdivision and Land Development Regulations to encourage Smart Growth in residential and commercial development; and

WHEREAS, the City of Frostburg desires to repeal the existing Frostburg Subdivision Regulations of October 20, 1975 and re-enact the Frostburg Subdivision and Land Development Regulations.

NOW, THEREFORE, IT IS ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF FROSTBURG THAT ARTICLE VII, SECTION I (B) BE AND THE SAME HEREBY IS REPEALED AND THE FOLLOWING IS RE-ENACTED AS ARTICLE VII, SECTION I (B):

See Exhibit A attached hereto.

ADOPTED BY THE COUNCIL THIS 19th DAY OF July, 2001, BY THE CITY COUNCIL OF THE CITY OF FROSTBURG.

ATTEST:

MAYOR AND CITY COUNCIL OF FROSTBURG



Andrew P. Fulghum,
City Administrator

BY 
JOHN N. BAMBACUS, Mayor

*Subdivision
and
Land Development
Regulations*

City of Frostburg

Allegany County, Maryland

Ordinance -2001-06
As Adopted by the Frostburg Mayor & Council
July 19, 2001

City of Frostburg Subdivision and Land Development Regulations
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Article 1: General Provisions

1.01 Title - This document shall be known as the City of Frostburg Subdivision and Land Development Regulations.

1.02 Purpose - The purpose of these regulations are to regulate and control the division or the development of land for any proposed new principal non-residential building, any expansion of more than 1,000 square feet in floor area of a non-residential building, any proposed multi-family apartment building, or any proposed new parking lot of 6 or more spaces located within Frostburg in order to promote the public health, safety, and general welfare of the residents of the City of Frostburg. The Regulations also implement requirements of the State of Maryland under Article 66B of the Annotated Code of Maryland to:

- a.) Concentrate development in suitable areas
- b.) Protect sensitive areas
- c.) Conserve and reduce the consumption of natural resources
- d.) Establish compliance with the Maryland Building Performance Standards

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

1.04 Effective Date - The provisions of these Regulations will be in full force 20 days after the adoption date.

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

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

1.07 Fees - The Mayor and Council shall establish a schedule of fees to cover the cost of reviewing the plans and plats described herein. All costs for the review process shall be borne by the developer. The Development Coordinator shall collect the fees.

1.08 Repeal of Conflicting Ordinances - All ordinances and regulations or parts thereof which are in conflict or inconsistent with the provisions of these Land Subdivision and Development Regulations are hereby repealed to the extent necessary to give these regulations full force and effect; except, that if a conflict occurs between these regulations, the official Frostburg Zoning Ordinance, and City Standards. Then the Planning Commission will determine the governing ordinance or regulation.

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

Article II: Control, Enforcement, and Penalties

2.01 Subdivision Control - It shall be unlawful for the owner of any land that lies within the subdivision control jurisdiction of Frostburg to subdivide any lot, tract, or parcel of land unless and until the following steps are completed.

- a.) A plat of such subdivision is made in accordance with the regulations set forth herein;
 - b.) Approval is secured thereof from the Planning Commission as provided herein; and
1. No land in a subdivision created after the adoption of this ordinance shall be transferred, sold, or offered for sale thereon until:
 - a.) The Final Plat of such subdivision has been recorded in accordance with these regulations, and
 - b.) Until the improvements required in connection with the subdivision have been constructed and guaranteed as here in after provided,
 - c.) Except that after approval of a Preliminary Plat, the applicant may offer such land for sale provided that the contract of sale shall be conditioned upon the approval and recordation of the Final Plat and that this condition is stated upon the contract of sale.
 2. No site preparation or site construction permit for a subdivision shall be issued prior to the recordation of the Final Plat.
 3. No plat of any subdivision shall be recorded until it has been approved by the Planning Commission as provided herein and witnessed by the signature of the Chairperson. The Chairperson shall not sign any plat unless he/she is satisfied that the requirements of these regulations have been met.
 4. The applicant shall cause copies of said plat to be recorded in the office of the Clerk of the Circuit Court of Allegany County and proof thereof provided to the City of Frostburg.

2.02 Land Development – No site preparation or site construction permits shall be issued for the development of land for any proposed new principal non-residential building, any expansion of more than 1,000 square feet in floor area of a non-residential building, any proposed multi-family apartment building, or any proposed new parking lot of 6 or more spaces located within the City of Frostburg until:

- a.) A plat of such land development is made in accordance with the regulations set forth herein;
- b.) Final plat approval is secured thereof from the Planning Commission as provided here; and
- c.) The improvements required in connection with the land development have been constructed and guaranteed as here in after, -

2.03 Enforcement - These regulations shall be enforced by the Development Coordinator or designee. If violation of any provisions of these regulations occurs, he/she shall notify in writing the person responsible for such violation and take such action as may be necessary to prevent the violation of these regulations, including obtaining a court injunction to

discontinue the development, transfer, sale, or negotiations for sale of illegal lots or parcels.

2.04 Penalties for Violation -Whoever, being the owner or agent of the owner of any land located within the subdivision control jurisdiction of Frostburg transfers, sells, offers to sell, agrees to sell, or negotiates to sell, or otherwise conveys any such land by reference to, of exhibition of, or any other use of plat of a subdiviston before such plat has been approved and recorded as required in Articles 2.01 and 2.02 hereof shall be guilty of a Municipal Infraction. Upon conviction thereof, the offender shall be subject to penalties as addressed in the Frostburg City Code Article I, Section VIII, Muncitpal Infractions. The description of such lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties or from the remedies herein provided.

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

Article III: Subdivision and Land Development Standard Regulations

3.01 Streets - The following general standards shall apply:

1. The minimum standard for road construction of Minor/Local, Marginal Access and Alleys in a subdivision/development site is as follows: eight inches (8') of clean crusher run #6 after compaction for the road base, placed in two four inch (4") courses. The road base shall be placed on a non-disturbed, compacted subgrade that has no organic material. If the subgrade is constructed of filled material, the fill shall be of City approved material placed in six inch (6") compacted lifts to 98% standard proctor. All subgrades must be approved prior to placing the road base. Hot asphalt paving shall consist of 4 inches (in place) of bituminous concrete in two layers. A two and one half inch (2 1/2") layer of bituminous concrete binder (base) course paving plus the curbing on both sides of the street must be completed prior to the issuance of any building permit in the designated area and the final one and one half inch (1 1/2") of bituminous concrete surface course after fifty percent, but before sixty percent of the lots are sold or at an earlier date as directed by the City in the designated development area. A tack coat shall be provided between asphalt layers. The City Engineer and Planning Commission shall approve the width of the road which shall be thirty feet (30ft.) wide from inside of curb to inside of curb unless other uses are approved by the Planning Commission. (See detail figure 3-1).
2. All Collector and Arterial streets shall be constructed to standards approved by the City Engineer and Planning Commission.
3. All utility lines (water, sewerage, gas, electricity, telephone, cable television) must be placed at each lot prior to the two and one half inch (2 1/2") layer of bituminous concrete binder (base) course paving. The City Engineer shall approve the water lines, sewer lines, fire hydrant locations and stormwater system. Dual approval by the Frostburg Fire Department shall be necessary for fire hydrant locations.
4. All adjacent roadway shoulders' slopes shall be graded to a 4:1 run to rise away from road surface prior to any asphalt paving.

5. The Subdivider/Developer shall be completely responsible for road construction, and shall supply a warrantee for a J?eriod of 1-year after city acceptance of the roadway. The obtaining of a bond m accordance with Article 7.04 3(a) of the Subdivision Ordinance shall be enforced by the city.
6. Included in the subdivision/development plan shall be engineered drawings, which shall include profiles and cross section views of roads, drainage, and all utilities. The City Engineer shall determine the frequency of cross section. The minimum frequency shall be in fifty-foot (50') intervals or any significant structure or natural or man-made dramage swale. The site plan shall include existing and proposed contours at intervals of two-feet (2') vertical or less.
7. The Subdivider/Developer shall maintain roads until they are completely finished; then the city may accept them. Maintenance of roads includes snow and ice removal and the repair of roadway surface due to normal wear. This includes repairing potholes and all drainage facilities before the city gains acceptance.
8. The City Engineer and Planning Commission shall approve the placement of curbs to control parking and stormwater. Curbs shall be constructed of concrete. Precast shall be approved by the City Engineer, Planning Commission and Development Coordinator prior to placement
9. The developer shall submit a timetable of road construction with the final plat to be approved by the City Engineer, Development Coordinator and Planning Commission.
10. The alignment, character, extent, width, and location of all streets within or bordering the subdivision/development site shall conform to the Comprehensive Plan for Frostburg and shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.
11. Where such is not shown in the Comprehensive Plan, the arrangement of streets in a subdivision/development site shall either:
 - a.) Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or
 - b.) Conform to a plan for the neighborhood approved or adopted by the Planning Commission to meet a particular situation where topographical or other conditions make continuance or conformance to exlstmg streets impracticable.
12. Minor streets shall be so laid out that their use by through traffic will not be detrimental to the community.
13. Where a subdivision/development site abuts or contains an existing or proposed arterial street or railroad nght-of-way, the PlanninCommission may require marginal access streets at a distance from such nght-of-way suitable to the appropriate use of the intervening land, as for _park purposes in residential districts or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic. To these ends, the Planning Commission may require the subdivision/development site to be designed so as to limit the number of street intersections and to limit access from abutting properties to arterial streets and highways.

3.02 Street Right-of-Way widths shall not be less than as follows:

Street Type	Right-of-Way
Arterial	80 Feet
Collector	60 Feet
Minor/Local	50 Feet
Marginal Access	50 Feet
Alley	25 Feet

1. Half streets shall be prohibited, except where essential to the reasonable development of the subdivision/development site in conformance with the other requirements of these regulations and where the Planning Commission finds it will be practicable to require the dedication of the other half when the adjoining property is subdivided. Wherever a half street is adjacent to a tract to be subdivided, the other half of the Street shall be platted within such tract.
2. Dead-end streets or cul-de-sacs, designed to be so permanently, shall not be longer than five hundred (500) feet and shall be provided at the closed end with a turn-around having an outside roadway diameter, right of way, of at least eighty (80') feet, and a street right of way diameter of at least one hundred (100) feet. A snow removal easement of twenty-five (25) feet by twenty (20) feet will be required on any proposed cul-de-sacs
3. The Planning Commission may require a suitable turn-around when a street is temporarily dead-ended and over one hundred and fifty (150) feet from its nearest intersection.
4. Street grades, curves and intersections shall be subject to the approval of the Planning Commission and City Engineer, and in general shall conform to the following specifications:
 - a.) Street jogs with centerline offsets of less than one hundred and twenty-five (125) feet shall be avoided.
 - b.) A tangent at least one hundred (100) feet long shall be introduced between reverse curves on arterial and collector streets.
 - c.) When a deflection angle of more than ten (10) degrees in the alignment of a street occurs, a curve shall be introduced having a centerline radius of curvature not less than four hundred (400) feet on arterial streets, three hundred (300) feet on collector streets, and two hundred (200) feet on minor streets.
 - d.) All changes in grade shall be connected by vertical curves to current stop distance design criteria as approved by the City Engineer.
 - e.) Clear visibility, measured along the road centerline, shall be provided for at least three hundred (300) feet on arterial streets, two hundred (200) feet on collector streets, and one hundred (100) feet on minor streets.

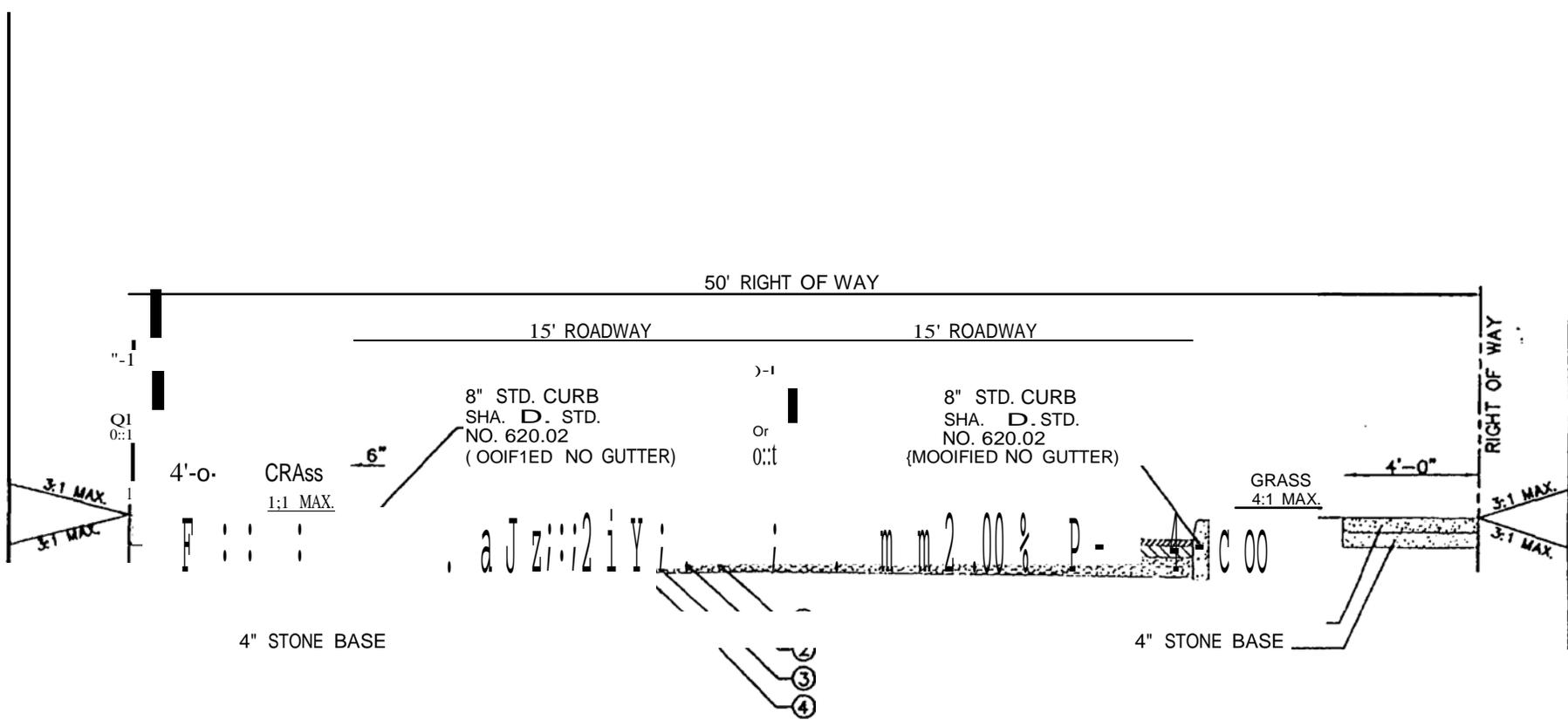
f.) No street grade shall be less than 0.75 percent, and wherever feasible, shall not exceed the following, with due allowance for reasonable vertical curves:

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

g.) Streets shall be laid out so as to intersect at right angles and no street shall intersect any other street at less than ninety (90) degrees. Intersections less than ninety (90) degrees require approval of the Planning Commission, Development Coordinator and the City Engineer.

h.) Property lines at street intersections shall be rounded with a radius of twenty-five (25') feet, or of a greater radius where the Planning Commission may deem necessary. The edge of pavement radius shall be thirty-five (35) feet at street intersections. The Planning Commission may permit comparable cut-off or chords in place of rounded corners.

5. Alleys shall be provided in commercial and industrial districts, except that the Planning Commission may waive this requirement where other definite and assured provisions are made for service access, such as fire/rescue service, off-street loading, Unloading, and parking consistent with and adequate of the uses proposed.
6. Proposed streets which are obviously in alignment with others already existing; and named shall bear the name of the existing streets duplicate, or be phonetically similar to existing street names, irrespective of the use of the suffix: street, avenue, boulevard, drive, place or court.
7. All Collector and Arterial streets shall be constructed to standards approved by the City Engineer and Planning Commission.



PAVEMENT SCHEDULE

- G) BITUMINOUS WEARING COURSE, 1 1/2" DEPTH
- @ BITUMINOUS BASE COURSE, 2 1/2" DEPTH
- @ 8" AGGREGATE BASE COURSE (SUBBASE MATERIAL)
CLEAN CR-6, PLACE STONE IN TWO (2) 4" LAYERS.
- @ SUBBASE - 98% STD. PROCTOR SUBBASE OR GREATER

TYPICAL ROADWAY SECTION

NOT TO SCALE

Figure3-2

3.03 Planned Residential Development- Planned Residential areas provide flexibility in developing larger unused tracts. The areas would be residential in nature, permitting limited types and amounts of supporting commercial uses. There are two techniques for Planned Residential Developments, Cluster and Open Space Developments.

1. Cluster Developments permit developers to group homes together on smaller lots in exchange for setting aside areas of permanent open space.
2. Open Space Development is a complete approach to designing residential subdivision which considers the significant physical features of the site in determining the development which the site can support.

a.) Four Steps for Planned Residential Development (See figures 3-2, 3-3, 3-4, 3-5)

1. Identifying the land that should be permanently protected and land for potential development.
2. Locating potential House Sites
3. Aligning Streets and Trails
4. Drawing in the Lot Lines

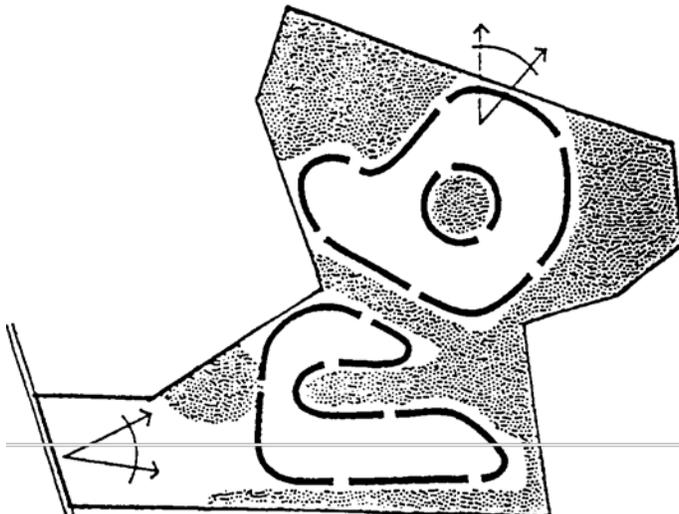


Figure 3-2 Step One, Potential Development Areas

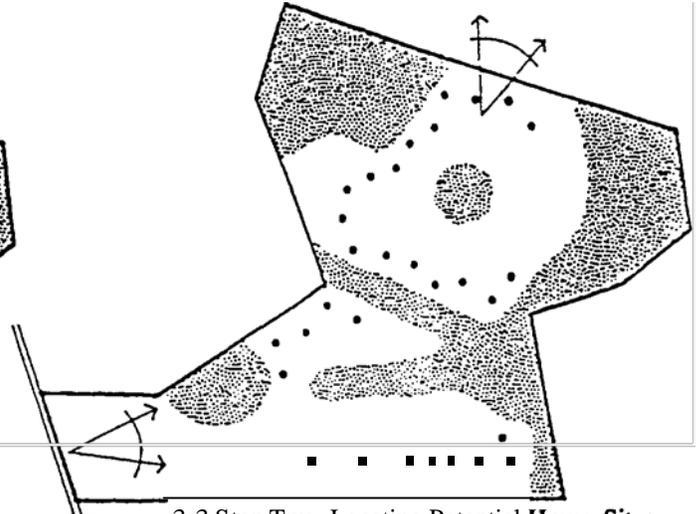


Figure 3-3 Step Two, Locating Potential House Sites

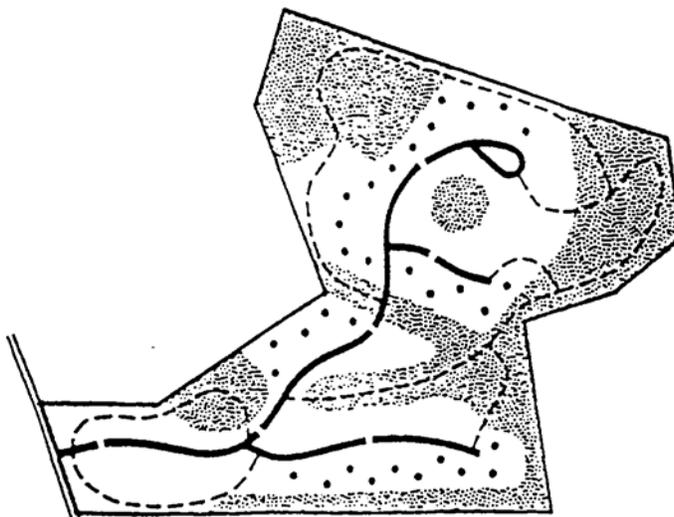


Figure 3-4 Step Three, Aligning Streets and Trails



Figure 3-5 Step Four, Drawing in the Lot Lines

3. **Permitted Uses:**

- a.) Single-family detached, single-family attached, two-family, and low-rise apartment buildings shall be permitted in cluster developments in any zone other than R-1 and RP, provided that an overall density of six dwelling units per acre of land within the tract is maintained.
- b.) Single-family detached and single-family attached dwellings shall be permitted in cluster developments in a R1 and RP zone, provided that an overall density of four dwelling units per acre of land within the tract is maintained.

3. **Development Regulations:**

Area, yard, and building requirements shall be as set forth in the Zoning Requirements section in Part II of the Frostburg Zoning Ordinance. Regardless of these requirements, the Planning Commission in approving subdivision plats may permit modifications in lot area, lot width, lot coverage, yards (building restriction areas) including zero lot lines, or other requirements in all zones.

4. **Public Water and Sewer:**

Cluster Developments/Open Space Developments are not permitted unless public water and public sewer are provided.

3.04 Interstate Highway Buffer- A non-development buffer shall be maintained 100 feet :from the State of Maryland right-of-way for I-68. This includes the structure and it's surrounding lot. The buffer should include the planting of evergreen trees parallel to the right of way. The Planning Commission & the MD Department of Natural Resources Forest Service Division must approve a site plan detailing the buffer. This buffer is used to maintain a rural setting for the motorists, the lot owner, and reduce noise.

3.05 Easements –

1. Existing Developmental Easement- A non-developmental easement shall be maintained when a new subdivision is proposed for development adjacent to an existing subdivision. The easement shall be no less than 100 feet in width and shall not be subject to development, but may be utilized as Open Space meeting the requirement of Article III, Section 3.07.
2. Easements across lots or centered on lot lines shall be provided for utilities where necessary and shall be at least twenty-five (25) feet wide.
3. Where a subdivision/development site is traversed by a water course, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such watercourse, and of such further width or construction, or both, as will be adequate for the purpose, as approved by the Planning Commission. To aid in its review, the Planning Commission will require the submission by the Subdivider/Developer of a storm water runoff analysis for the proposed development certified by a professional civil engineer. The analysis may include the establishment of the 100-year and 500-year

floodplains.

3.06 Blocks -

1. The lengths, widths, and shapes of blocks shall be determined with due regard to provision of adequate building sites suitable to the special needs, contemplated, zoning requirements as to lot sizes and dimensions, Article III Sections 3.01 to 3.06 in these regulations, needs for convenient access, circulation, control and safety of street traffic, and limitations and Opportunities of topography among others.
2. Block length shall not exceed sixteen hundred (1,600) feet, or be less than four hundred (400) feet, except that in unusual situations this provision may be waived by the Planrunc Commission.
3. Pedestrian crosswalks not less than ten (10) feet wide may be required where deemed essential by the Planning Commission to Provide circulation or access to schools, playgrounds, shopping centers, transportation, and other community facilities.

3.07 Public Sites and Open Spaces

- I. Where a proposed park, playground, school, street or other public use shown in the Comprehensive Plan is located in whole or in part in a subdivision. the Planning Commission may require the dedication or reservation of such area within the subdivision in those cases in which the Planning Commission deems such requirements to be reasonable.
2. Where deemed essential by the Planning Commission, upon consideration of the particular type of development proposed m the subdivision, and especially in large-scale neighborhood developments, the Planning Commission may require the dedication for public use, or reservation by deed covenant for common use by all of property owners in the subdivision, of such other areas or sites of a character, extent, and location suitable to the needs created by such development for schools, parks, and other neighborhood purposes.
3. Open Space Dedication:
 - a.) Consideration shall be given to the arrangement and location of Open Spaces to take advantage of physical characteristics of the site and to place Open Spaces within easy access and view of dwelling units, at the same time preserving and, where applicable, enhancing natural features.
 - i.) The property dedicated for Open Space shall not have a slope greater than25%.
 - ii.) Minimum percentage of the total subdivision required by residential districts:

R1	None Required
RIA	2.5%
R2	5%
R3	10%
RO	10%
RP	20%
 - iii.) The Planning Commission may require more or less Open Space, as they deem necessary.

1. Open Space Ownership and Responsibility:

- a.) Open space areas shall be maintained so that their use and enjoyment as open space is not diminished or destroyed. Open space areas may be owned, reserved, and maintained by any of the following:
 - i.) Dedication of open space to the City or an appropriate public agency willing to accept the dedication.
 - ii.) Common ownership of the open space by a homeowner's association which assumes full responsibility for its maintenance.
 - iii.) Dedication of development rights of open space may be made to an appropriate public agency with ownership remaining with the developer or homeowner's association. Maintenance responsibility shall remain with the property owner.
 - iv.) Deed-restricted private ownership which shall prevent development and/or subsequent subdivision of the open space land and provide maintenance responsibility.
- b.) Maintenance of natural areas is limited to the removal of litter, dead tree and plant materials, and brush. Natural watercourses shall be maintained as free flowing and devoid of debris. Stream channels shall be maintained so as not to alter floodplain level.
- c.) Maintenance of recreational areas is limited to insuring that no hazards, nuisances, or unhealthy conditions exist (high grass, compost, litter, construction equipment/material, and recreational equipment).
- d.) Pedestrian amenities shall be maintained in a clean and safe condition.

Article IV Definitions

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

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

4.02 Definitions- For the purpose of these regulations the following definitions shall apply:

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

City Engineer- The person holding the title of the City Engineer or one of his/her designated representatives.

Comprehensive Plan – The current City of Frostburg Comprehensive Plan and amendments.

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

Development Coordinator - The municipal officer holding the title of the Development Coordinator or one of his/her designated representatives.

Development site –The specific lot for which a regulated activity is proposed.

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

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

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

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

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

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

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

Lot- A parcel or portion of land separated from other parcels or portions by description on a subdivision/land development plat, or record of survey map or

by metes and bounds for the purpose of sale, lease or separate use.

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

Performance Guarantee- Any security which may be accepted in lieu of a requirement that certain improvements be made before the Planning Commission approves a plat including but not being limited to performance bonds, escrow agreements and other similar collateral or surety agreements with surety to be approved by the Planning Commission. Article 7.04 3(a)

Planning Commission- The Planning and Zoning Commission of Frostburg, Maryland.

Plat- A plat is the finished map or layout of subdivision/development site .

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

Plat, Prelimin- A preliminary map or layout indicating the proposed layout of the subdivisio land development which is submitted for Planning Commission consideration and conditional approval and which meets the requirements of Article V. ofthis Ordinance.

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

Sketch Plan - An optional subdivision/land development procedure to ensure the Subdivider/Developer has the opportunity to consult early and informally with City agencies and officials and in accordance with Article V.

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

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

5. Alleys are minor ways, which are used primarily for vehicular service access to the back or the side of properties otherwise abutting on a street.

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

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

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

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

Article V: PROCEDURE FOR SUBMISSION AND REVIEW OF PLATS

5.01 Introduction- The procedures contained hereinafter provide for a four-step process in the review of plats for proposed subdivisions/land developments. These four steps consist of:

1. At the City's discretion, schedule an initial subdivision/development consultation with the Planning Commission. The Maryland Department of Planning may be called upon to assist with this consultation.
2. Submission and review of a Sketch Plan (optional).
3. Submission and review of a Preliminary Plat.
4. Submission and review of a Final Plat.
 - a) The second step, involving submission and review of a Sketch Plan of a proposed subdivision/development site, shall be optional and shall not be a prerequisite for approval of the Preliminary or Final Plats.
 - b.) This optional procedure is highly recommended to any potential applicant because it provides an opportunity to resolve problems early in the proceedings and to make necessary modifications and revisions prior to incurring the expense of preparing Preliminary and Final Plats.
 - c.) Steps 3 and 4 above, involving submission and review of Preliminary and Final Plats shall both be mandatory; except, that in certain cases the Planning Commission, with concurrence of the Mayor & City Council, may grant a procedural waiver, consistent with the provisions of **Article VI**.
 - d.) All plat submissions to the Planning Commission shall be received by the Development Coordinator at least ten (10) working days prior to the scheduled Planning Commission meeting.
 - e.) The City may require a third party plat review. All costs for the review process shall be borne by the developer.

5.02 Purpose of the Sketch Plan - The purpose of the "Sketch Plan" is to afford the Subdivider/Developer the opportunity to consult early and informally with the Planning Commission, Development Coordinator, County Health Department, Soil Conservation Service, and other agencies before preparation of the Preliminary Plat and formal application for approval.

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

5.03 Procedures for Submission and Review of the Sketch Plan

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

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

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

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

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

1. The Preliminary Plat and all information and procedures shall comply in all respects

with the provisions of these regulations before conditional approval may be given, except where a waiver therefrom may be specifically authorized in accordance with the provisions of **Article VI** hereof.

5.05 Procedures for Submission and Review of Preliminary Plat- The following procedures shall be used:

1. The Preliminary Plat shall be prepared in accordance with the following regulations and shall be submitted prior to the completion of the final surveys of streets and lots, and before any street grading or street construction has been started, and before any map of said subdivision is made in final form for recording.
2. The Preliminary Plat and supplementary material specified shall be submitted to the Planning Commission, with the written application on forms provided by the Planning Commission for its study, review and recommendations. Such material shall be filed with the Planning Commission in care of the Development Coordinator.
3. The Subdivider/Developer shall file five copies plus an original as the Development Coordinator may request. The Development Coordinator may distribute copies to the following:
 - + One copy to the County Planning Commission
 - + One copy to the County Health Department
 - + One copy to the Soil Conservation Service
 - + One copy to each utility company which would be responsible for providing utility service to the proposed development
 - + One copy to the Frostburg Fire DepartmentAdditional copies to such officials as the Planning Commission may designate.
4. Within sixty (60) days of receipt of the complete submission by the Planning Commission, the Planning Commission shall:
 - a.) Receive and review the reports by the Development Coordinator, the County Health Department, the County Planning Commission, the Soil Conservation Service, appropriate utilities and other agencies if applicable.
 - b.) Provide the Subdivider/Developer an opportunity to be heard and discuss the submission with the Subdivider/Developer if he so desires.
 - c.) Inform the Subdivider/Developer that the plans and data as submitted or as modified do or do not meet the objectives of these regulations.
 - d.) The Planning Commission shall express its approval as Conditional Approval and state the conditions of such approval, if any, or if disapproved, shall express its disapproval and its reasons therefor.
5. The action of the Planning Commission shall be noted on two copies of the Preliminary Plat including any special conditions attached to such action and attested to by the signature of the Commission chairmen or acting chairman. One copy shall be returned to the Subdivider/Developer and the other retained by the Planning Commission.

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

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

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

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

5.09 Procedures for Submission and Review of the Final Plat - The following procedures shall be used:

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

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

1. Within thirty (30) days following receipt of the complete submission, the Planning Commission shall:
 - a.) Receive and review reports by the Development Coordinator, County Health Department, County Planning Commission, Soil Conservation Service and other agencies, if applicable.

- b.) Provide the Subdivider/Developer an opportunity to be heard, and discuss submission with the Subdivider/Developer if he so desires.
 - c.) Determine whether the Final Plat meets the objectives and requirements of this ordinance and other regulations; and,
 - d.) Inform the Subdivider/Developer in writing of the decision including required changes in the Final Plat, if any, and the reason for the decision.
- I. Approval shall not be final until:
- a.) One exact copy of the approved Final Plat on lined or mylar and one additional reproducible copy with the required signatures as specified by the Planning Commission and the Development Coordinator, shall be submitted to the Planning Commission.
 - b.) The applicant shall then file the lined or mylar copy of the subdivision plat for record with the Clerk of the Circuit Court of Allegany County, providing promptly thereafter a written receipt to the Planning Commission indicating that the plat has been filed.
 - c.) Shall distribute other prints to official agencies as may be required by the Planning Commission. Such agencies shall include but not be limited to: the utility companies which will be responsible for serving the subdivision/development site; and the local office of State Department of Assessment and Taxation.

Article VI: Waivers

6.01 Waiver for Exceptional Conditions -The Planning Commission, in concurrence with the Mayor & Council, may grant a waiver from the provisions of these regulations where:

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

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

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

1. The proposed subdivision involves the division of a lot, parcel, or tract into four or fewer lots, parcels, or tracts; and
2. The lots, parcels, or tracts thus created each have frontage on an existing improved public road or roads; and

3. There is not created by the proposed subdivision/development site any new road or roads.

Article VII: REQUIRED INFORMATION SKETCH PLANS AND PLATS

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

7.02 Sketch Plan Requirements -The following data and information shall be included on the Sketch Plan;

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

7.03 Requirements for the Preliminary Plat -The following requirements shall apply to the preliminary plat for all subdivisions and land developments:

1. Drafting Standards
 - a.) The Preliminary Plat shall be at a scale of one hundred (100) feet to one (1) inch or other scale as the Planning Commission may direct. It shall show or have attached the following information and proposals:
2. Topographic data shall include the following information on existing conditions except when otherwise specified by the Planning Commission:
 - a.) Existing boundary lines: bearing and distances;
 - b.) Existing easements: location, width and purpose;
 - c.) Contours at an interval of not more than five (5) feet.

- d.) Subsurface conditions on the tract, if required by the Planning Commission: location and results of tests made to ascertain subsurface soil, rock and groundwater conditions where drainage systems are proposed.
 - e.) Other existing conditions on the tract such as watercourses, marshes, wooded areas, isolated preserveable trees, houses, barns, shacks, and other significant features.
 - f.) Other existing conditions on adjacent land such as approximate direction and gradient of w.ound slope, including any embankments or retaining walls; location of ratroads, power lines, towers, and other nearby non-residential land uses; names of owners of adjacent unplatted land; for adjacent platted land refer to subdivision/development plat by name, recordation date, and number. Where the proposed subdivision/development site lies partially or completely in the flood plain areas, or where the subdivision/development site borders on the flood plain areas, the Preliminary Plat map shall include detailed information giving the location and elevation of proposed roads, utilities, and building sites and the extent of 100 year flood.
3. Improvements on or adjacent to the site, as follows:
- a.) Existing streets on and adjacent to the tract; name and right-of-way width location; type, width and elevation of surfacing; any legal centerlines, elevations; walks, curbs, gutters, culverts, etc.
 - b.) Existing utilities adjacent to and on the tract; location, size and invert elevation of sanitary, storm and combined sewers; location and size of water mains; location of gas lines, fire hydrants, electric and telephone poles, and street lights; if water mains and sewers are not on or adjacent to the tract, indicate the direction and distance to and size of nearest ones, showing invert elevation of sewers.
 - c.) Proposed public improvements: highway or other major improvements planned by public authorities for future construction on or near the tract.
4. Proposed layout:
- a.) The layout ofthe streets, including names and widths.
 - b.) The layout and approximate dimensions oflots, including the approximate area of each lot in square feet.
 - c.) A reference to any land offered for dedication for open space, parks, schools, widening of streets or other public uses.
 - d.) The average minimum lot size.
 - e.) The location and size of storm drains, sanitary sewers, culverts, watercourses and all appurtenances thereof, water mains and fire hydrants.
 - f.) Building setback lines.
 - g.) Right-of-way or easements proposed to be created for all drainage purposes and utilities, or both.
 - h.) Tentative typical cross-sections and center-line profiles for each proposed street shown on the preliminary plat.

- i.) Where the preliminary plat covers only a part of the owner's entire holding, a sketch shall be submitted of the prospective street layout for the remainder.
5. Other information as follows:
- a.) Zoning on and adjacent to the tract.
 - b.) Key plan showing location of the tract.
 - c.) Title and certificates: present tract designation according to official records in office of the Circuit Court; title under which proposed subdivision is to be recorded, with names and addresses of owners, notation stating acreage, scale, north arrow, datum, benchmarks, certification of registered civil engineer or land surveyor, date of survey, date of application, date of submission, date of revisions, and date of any re-submission.

7.04 Requirements for the Final Plat- The following requirements shall apply to the Final Plat for all subdivisions and land developments:

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

- 1.) Certification of title showing that Subdivider is the landowner.
 - m.) Statement by owner dedicating streets, right-of-way and any sites for public uses.
 - n.) Title, scale, north arrow, and date.
 - o.) Location of existing buildings, the outline of all wooded areas, areas subject to flooding including information on elevations and boundaries of the 100 year flood plain as defined by the U.S. Department of Housing and Urban Development rate maps as defined herein.
2. Proposed layout.
 - a.) Lot layout, including the dimensions and bearings and consecutive numbers of lots.
 - b.) The proposed names, pavement width and right-of-way width of all proposed streets.
 - c.) Sufficient data to determine readily the location, bearing and length of every street, lot and boundary line.
 - d.) The proposed building setback line for each street.
 - e.) The accurate location of all monuments.
 - f.) The location, width and propose of all easements or rights-of-way and boundaries by bearings and dimensions.
 - g.) The average minimum lot size.
 - h.) The location, size and invert elevations of all sanitary sewers and storm sewers and locations of all manholes, inlets and culverts, and the design calculations of the same along with the plat and profiles of the same and any appurtenances.
 - i.) The location of all existing and proposed fire hydrants and utilities.
 3. Cross sections and profiles of streets showing grades approved by the Development Coordinator and City Engineer. The profiles shall be drawn to City standards scales and elevations and shall be based on a datum plan approved by the Development Coordinator and City Engineer.
 4. A Certificate by the Development Coordinator certifying that the Subdivider/Developer has complied with the following:
 - a.) The Subdivider/Developer shall furnish to the City a bond or other form of performance guarantee acceptable to both the City Attorney and the Planning Commission, to assure the accomplishment of such improvements within the period of time fixed by the Commission in an amount recommended by the City Engineer, and approved by the Commission, to be adequate to cover the total estimated costs of the required improvements, such as street, curb/gutter, storm water management, water/sewer requirements, lighting requirements, or

in the alternative, a receipt from the City Clerk showing that prepayment has been made in the amount so fixed. The said bond or performance guarantee shall not be released until one year from the installation of all improvements, provided the work is inspected and approved by the Development Coordinator.

5. Protective Covenants in form for recording.
6. Other Data: Such other certificates, affidavits, endorsements, maps and plans of all improvements, and other provision as may provision as may be reqmred by the Planning Commission in the enforcement of these regulations.

Article VIII Environmental Regulations

- 8.01 Pu;@ose- In order to provide for the health, safety, and welfare of the present and future pop ation of Frostburg, the Planning Commission shall refuse to approve any proposed subdivision/land development when such subdivision/land development would bnng about the development of land which is unsuitable for such development due to flooding, lack of drainage, excessive slope, excessive erosive action by water, unstabilized slope or fill, inadequate access or other conditions which may cause danger to life, health, or when the lands mvlved would in its opinion become unsuitable through the development proposed.
- 8.02 General Regulations- Proposed development projects that contain environmentally sensitive areas shall be subject to measures to protect, mitigate impacts upon, and enhance these resources. An Environmental Impact Assessment Report Shall be prepared addressing identification, protection, unpaet mitigation, and enhancement of environmental resources of the project site and its vicinity.
- 8.03 Boundaries – All areas determined by the Planning Commission to contain any resources of sensitive environmental value shall be subject to mitigation and enhancement and, whenever possible, protected and preserved as undeveloped space.
- 8.04 Woodland Areas and Unique Vegetation – Forest areas and its vegetation shall be protected as much as possib e on a development site in order to preserve the existing natural setting.
- 8.05 Flood Hazard Areas –
 1. If any grading, construction, or expansion of structures, or storage of hazardous materials is proposed within the officially designated 100 Year Floodplain, the Development Coordinator shall require that the applicant provide evidence of compliance with the Allegany County Floodplain Ordinance, as amended.
 2. If the Development Coordinator has reason to believe that a proposed development would include areas subject to a 100 Year Flood that was not studied as part of the Official Floodplain Maps, then the Development Coordinator may require an applicant to provide a detailed study of the extent of the 100 Year Floodplain on portions of the subject property proposed for development.
 3. Where not prohibited by this or any other laws or ordinances, land located in flood plain areas may be platted for development with the provision that the Subdivider/Developer construct all buildings and structures to preclude flood damage in accordance with this and any other laws ordinances regulating such development.
 4. No subdivision/land development or part thereof, shall be approved if the proposed development and/or improvements will, individually or collectively, increase the 100-year flood plain elevation.

5. Building site for residences or any other type of dwelling accommodation shall not be permitted in any 100-year floodplain area. Sites for these uses may be permitted outside the floodplain area if the lowest habitable floor level is one (1) foot above the elevation of the 100-year flood plain.
6. Building sites for structures or building other than for residential uses shall also not be permitted in any floodplain area. However, the subdivision and/or development of areas or sites for non-residential /urposes may be permitted within a floodplain provided all structures are designe to withstand the hydrostatic pressure of the 100-year flood.
7. If the Planning Commission determines that only a part of a proposed plat can be safely developed, it shall limit development to that part and shall require that development proceed consistent with this determination.
8. When a Subdivider does not intend to develop the plat himself and the Planning Commission determines that additional controls are required to insure safe development, it may require that Subdivider to impose appropriate deed restrictions on the land. Such deed restrictions shall be inserted in every deed and noted on every recorded plat.

8.06 Non-Tidal Wetlands-

1. Description: Wetlands are defined as areas that have a predominance of hydric soils and that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of hydrophilic vegetation typically adapted for life in saturated soil conditions.
2. Regulations: A buffer of at least twenty-five feet shall be maintained in all areas adjacent to wetlands. This buffer shall be used to best protect and preserve non-tidal wetlands within Frostburg City Limits. This area may be used to meet the requirements of Article III, Section 3.07 Public Sites and Open Space. This area may be developed with a walking/biking trail as to conform with the intent of the Comprehensive Plan and the City of Frostburg Trail Alignment Study. The proper locatiOn for such proposal shall be at the discretion of the Planning Commission and the Development Coordinator.

8.07 Steep Slopes

1. New Slopes: If any new slope will be created of greater than 4:1, the applicant shall provide a written description of the measures that will be used to stabilize such slope, together with a legally binding timetable in for the implementation of such measures.
2. Over 25 Percent Slopes: Any construction of a new principal building or a new parking lot on land with an existing natural slope of over 25 percent shall require special exception approval by the Board of Appeals, except such approval shall not be needed within the C3 district or the HP overlay district. When special exception approval is required, the applicant shall:
 - a.) Show that existing trees and other vegetation will be preserved to the maximum reasonable extent, or be immediately replaced by new trees and other vegetation, while avoiding excessive coverage by impervious surfaces,

- b.) Submit a plan showing that stormwater runoff will be properly controlled,
- c.) Submit and carry out a detailed soil erosion and sedimentation control plan, which shall be submitted in advance for review and acceptance by the City or its designee, and
- d.) Submit a detailed grading plan.
- e.) Submission of structural design by a Professional Engineer shall be required for principle structures on lots that have been filled or require excessive fill as determined by the City Engineer.

Slopes on Proposed Lots:

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

8.08 Rare and Endangered Species

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

8.09 Stream Buffers

- 1. Setback: No new principal building, off-street parking, loading area, or commercial or industrial outdoor storage area shall be located:
 - a.) Within 50 feet of the centerline of a perennial waterway, and
 - b.) Within 25 feet of the centerline of an intermittent waterway.

2. Crossings: Within 50 feet of the centerline of a perennial waterway, streets and driveways shall be limited to those approximately perpendicular crossings that are absolutely necessary for public safety or to provide reasonable use of adjacent properties.
3. Existing Vegetation: Existing natural vegetation shall be preserved to the maximum extent possible. An applicant for a permit for activity within such area shall: a) specify on the plan those trees or areas of trees and other vegetation intended to be preserved, removed or replaced by new trees and vegetation, and b) be accompanied by a detailed soil erosion and sedimentation control plan, which shall be carried out in full.
4. New Trees and Vegetation: If existing trees do not exist along a perennial waterway, and if a new principal building and/or vehicle parking area is proposed adjacent to such waterway, then the applicant shall: 1) plant an average of one deciduous shade tree along such waterway for each 50 feet of distance along the waterway, and b) plant new grass, shrubs or similar vegetation along the bank of the waterway if such does not already exist.

8.10 General Planting & Buffer Requirements

1. Plant Type- A mixture of flowering and/or decorative evergreen and deciduous trees may be planted. The evergreens should be used along the perimeter of the lot for screening, and the deciduous trees for shade within the lot. The areas beneath the trees should be mulched, as well as beds planted with shrubs or ground cover.
2. Planting Specifications- All deciduous trees shall have a minimum two-inch circumference at its trunk, shall be nursery grown; shall be uniform in size and shape; and have straight trunks. Evergreen trees shall be a minimum of five feet in height. All trees shall be properly planted and staked according to a plan approved by The Planning Commission & the MD Department of Natural Resources Forest Service Division.
3. When Required- Every development shall provide sufficient buffering when topographical or other barriers do not provide proper screening and when the Planning Commission determines that it is necessary to preserve a natural setting.
4. A Sample of Deciduous Trees Acceptable by City Ordinance-
 - Acer rubrum - American Red Maple
 - Acer saccharum - Sugar Maple_
 - Celtis jessoensis - Jesso Hackberry
 - Celtis laevigata or occidentalis - Common Hackberry
 - Fraxinus americana - White Ash
 - Fraxinus pennsylvanica (seedless variety) -Green Ash

Ginko biloba - Ginko Tree (male only;
 fruit of female has noxious odor)
 Liquidambar styraciflua - Sweet Gum
 Liriodendron tulipifera - Tulip Poplar
 Quercus - All varieties of Oak other than Pin Oak
 Prunus accodlade- flowering Cherry Prunus serrulata- Japanese Flowering
 Cherry
 Sorbus alnifolia - Mountain Ash
 Sorbus amurensis - Amur Mountain Ash
 Taxodium distichum- Bald Cypress
 Tilia cordata- Little Leaf European Linden
 Tilia euchlora - Crimean Linden
 Tilia petiolaris - Pendant Silver Linden
 Tilia tomentosa - Silver Linden
 Ulmus parvifolia - Chinese Elm
 Zelkova serrata - Zelkova

Article IX Required Improvements

- 9.01 Required Improvements - Monuments, utility and street improvements shall be provided by the Subdivider/Developer in each new subdivision/land development in accordance with the standards and requirements described in the following schedule:
- 9.02 Public Water and Sewer Systems- Connection to a public water distribution system as approved by the City of Frostburg is required for each lot. Connection to a public sewer system as approved by the City of Frostburg. Minimum standards for water service shall be provided throughout new subdivision/land development. A minimum static pressure in the water main shall be sixty pounds per square inch (60 PSI) and a minimum static pressure of fifty pounds per square inch (50 PSI) shall be maintained at any house connection. A minimum fire flow at all fire hydrants shall be 1,000 gallons per minute with a residual pressure of twenty pounds per square inch (20 PSI).

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

- 9.03 Storm Sewer System- Storm sewer system and other drainage improvements as approved by the Planning Commission and; Storm drainage facilities shall be designed to convey the flow of surface water without damage to persons or property. The system shall insure drainage at all points along streets, and provide positive drainage away from buildings. The Planning Commission may require a primarily underground system to accommodate frequent floods and secondary surface system to accommodate larger, less frequent floods. Drainage plans shall be consistent with local and regional drainage plans. The facilities shall be designed to prevent the discharge of excess runoff onto adjacent properties. All storm sewer system and other drainage improvements shall comply with the Storm Water Management Regulations of the Frostburg City Code.
1. In determining the proper drainage of any subdivision/land development, the Planning Commission may take into consideration and, if possible, make provision for future drainage problems which may arise, and shall not be restricted in imposing conditions or regulation respecting drainage problems to the particular subdivision/land development under consideration.

2. The Subdivider/Developer shall provide for the construction of all necessary structures and storm drainage facilities required beyond the immediate boundary of the subdivision/land development in order to conduct runoff to an acceptable point of disposal.

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

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

9.06 Roadway Sections-

1. Marginal Access streets: 50-foot right-of-way, including a 30-foot pavement, two concrete curbs, two 4-foot sidewalks when required, and two grassed utility areas.
 2. Minor/Local streets: 50-foot right-of-way, including a 30 foot pavement, two standard curb sections, one 4 foot sidewalk when required, two grass and utility areas.
 3. Arterial streets: cross sections in accordance with the Comprehensive Plan or as determined by the Planning Commission.
 4. Collector streets: 60-foot right-of-way, including a 36-foot pavement, two standard curb sections, two 4-foot sidewalks when required, two grass and utility areas, and two grass utility areas.
- 9.07 Sidewalks- Sidewalks shall be required by the Planning Commission where deemed necessary to provide safe pedestrian circulation and access to schools, playgrounds, shopping centers and other community facilities. The sidewalks are to be installed by the developer where required.
- 9.08 Monuments- Monuments shall be placed at all block comers, angle points, Joints of curves in streets, and at intermediate points as required by the Planning Commission, who shall also approve the material, size, and length of such monuments.
- 9.09 Fire Hydrants- Fire hydrants shall be located no more than 500 feet apart unless approved by the City Engineer and shall be within 500 feet of any structure.
- 9.10 Widening or Realignment of Existing Roads- Where the subdivision/land development borders an existing street and the comprehensive plan indicates plans for realignment or widening of the street that would require reservation of some land of the subdivision/land development, the Planning Commission may require that such areas be shown and marked on the plat "Reserved for Street Realignment (or Widening) Purposes."

Article X: Construction Inspection

10.01 Construction Inspection-The City shall require independent inspection during the construction of any subdivision or development site, and shall require the developer to bare the cost *as* deemed by the City of Frostburg. The independent inspector will be selected by the City Engineer.

1. In no case shall the construction of required improvements begin without notifying the City Engineer.
2. The developer must provide notice at a minimum of seventy-two (72) hours prior to each of the phase of the work so that the City Engineer or authorized representative may conduct the required inspections. Inspection requirements, which are to be at the discretion of the City Engineer, may include and are not limited to the following:
 - a.) Grading of right-of-ways and installation of fill.
 - b.) Setting crosswalk and sidewalk forms.
 - c.) Preparation of road subgrade.
 - d.) Setting of curb forms.
 - e.) Installation of road subbase, road base and/or sidewalk base.
 - f.) Installation of concrete or paving material and application of each coat in the case of priming and sealing.
 - g.) Installation of drainage pipe and other drainage structures before backfilling.
 - h.) Installation of sanitary sewer laterals, submains, mains and appurtenances before backfilling.
 - i.) Installation of water mains, fire hydrants, laterals and appurtenances before backfilling.
 - j.) During backfilling of trenches.
 - k.) During testing of utilities.
 - l.) During repairs to previously installed improvements.
 - m.) At any other phase *as* requested by the City Engineer in order to ascertain compliance With approved plans.
3. Upon receipt of notice of completion from the developer, the City Engineer shall conduct a final inspection of all improvements and utilities to determine whether the work is satisfactory and in substantial compliance with the approved final plan drawings and specifications. The general condition of the site shall be considered.