

## Chapter 205

### SUBDIVISION OF LAND

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[HISTORY: Adopted by the Mayor and Council of Pocomoke City 5-21-1990 as Ord. No. 309. Amendments noted where applicable.]

#### GENERAL REFERENCES

Comprehensive Development Plan -- See Ch. 27.  
Planning and Zoning Commission -- See Ch. 67.  
Building construction -- See Ch. 101.  
Flood Plain management -- See Ch. 135.  
Forest conservation -- See Ch. 137.  
Grading and sediment control -- See Ch. 140.

Housing Standards -- See Ch. 146.  
Sewers -- See Ch. 192.  
Stormwater management -- See Ch. 198.  
Water -- See Ch. 226.  
Zoning -- See Ch. 230.

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#### § 205-1. **Applicability; conflicts with other provisions.**

The rules and regulations governing subdivisions of land contained herein shall apply within the corporate limits of Pocomoke City, Maryland, and for a distance of one (1) mile beyond such corporate limits in all directions. If the County of Worcester should adopt regulations for the control of subdivisions in any part of the unincorporated area within one (1) mile of the corporate limits of Pocomoke City, which regulations are adopted under authority of Article 66B of the Annotated Code of Maryland, 1957 edition, as amended, and the requirements of such regulations should differ from those contained herein, then in each case the more exacting requirements shall prevail. These regulations shall be in addition to any others promulgated by law or by the State Board of Health or other authority, and, in case of any conflict, the more exacting requirements shall prevail.

#### § 205-2. **Definitions.**

For the purpose of these regulations, certain terms are defined as follows:

**ALLEY** -- A way which affords generally a secondary means of vehicular access to abutting properties and not intended for general traffic circulation.

**COLLECTOR STREET** -- A street which, in addition to providing access to properties abutting thereon, is intended to collect traffic from, or distribute it to, a series of minor streets within a neighborhood or sub-neighborhood.

CROSSWALK WAY -- A passageway for pedestrians and excluding motor vehicles which cuts through a block.

EASEMENT -- A strip of land on which a limited right-of-way is provided for one (1) or more designated purposes, without including title to the land.

LOT, DOUBLE-FRONTAGE -- A lot extending through the block from one street to another.

MAJOR STREET PLAN -- The official plan of major streets, highways, roads and other ways adopted by the Pocomoke City Planning and Zoning Commission and the Mayor and Council in accordance with Article 66B of the Annotated Code of Maryland.

MASTER PLAN -- The officially adopted Master Plan for the physical development of Pocomoke City or any part of such plan.

MINOR STREET -- A street intended to serve and provide access exclusively to the properties abutting thereon.

PLANNING AND ZONING COMMISSION -- The Pocomoke City Planning and Zoning Commission.

SUBDIVIDE -- The act of creating a subdivision, as herein defined, and includes re-subdivision.<sup>1</sup>

SUBDIVISION -- The division of any tract or parcel of land into two (2) or more plots, parcels, lots or sites one or more of which does not have an existing dwelling house located thereon, for the purpose, whether immediate or in the future, of transfer of ownership or building development. The original plot shall be considered as one (1) of the plots, parcels, lots or sites of the "subdivision."<sup>2</sup> [Amended 8-19-96 by Ord. No. 340.]

**§ 205-3. Plat required; forest conservation; violations and penalties.[Amended 8-19-96 by Ord. No. 340; 12-9-96 by Ord. No. 344]**

A. ~~This subdivision on the effective date of this Ordinance (January 23, 1967) shall~~ ~~as many separate lots as this Chapter does not existing dwelling houses shall be prepared and submitted to the Planning and Zoning Commission for approval which meets the following criteria.~~

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<sup>1</sup>Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

<sup>2</sup>Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

- (1) The plat shall show the boundaries of the original tract or parcel of land with the information required by §§ 205-5 B, 205-5 C, (1), (4), (5), (7), 205-5 D, (1), (2), (3), (9).
- (2) Each lot of the proposed subdivision shall have located thereon an existing dwelling house and the division lines for the new lots shall be, as far as practicable, located equal distance between each existing dwelling house, creating lots approximately equal in area.
- (3) Variance for lot size, street frontage, or side, back or front yard setback minimum distances shall not be required.
- (4) Each lot of the proposed subdivision shall have frontage on a City street approximately equal to that of the other lots being created.
- (5) The fee required for submission of a subdivision plat pursuant to this § 205-3A shall be one-half the amount set for either a major or minor subdivision application pursuant to the fee schedule.
- (6) No future development or redevelopment may be approved on any of the lots unless the requirements of the Zoning Regulations are complied with except that if a dwelling house or accessory structure is destroyed by fire or natural disaster, the structure so destroyed may be replaced within one year of its destruction with a dwelling or accessory structure of like size and area, subject to compliance with current building, plumbing and electrical codes.[Added 12-9-96 by Ordinance No. 344.]

B. Sub-divider must prepare and record plat. From and after the adoption of these regulations, any owner or proprietor of any tract of land located in the territory to which these regulations may apply who subdivides the same shall cause a plat of such subdivision to be made accordance with the regulations set forth herein and in §§ 5.01 through 5.07 of Article 66B of the Annotated Code of Maryland and, after having secured the approval thereof by the Planning and Zoning Commission as provided herein, shall cause a copy of said plat to be recorded in the Office of the County Recorder.

C. Approval of plat required. No plat of any subdivision shall be recorded until it shall be been submitted to an approved by the planning and Zoning Commission as provided herein. The Planning and Zoning Commission shall not approved said plat unless it is satisfied that the requirements of these regulations have been complied with. The final plat shall be recorded within six (6) months of the day the said plat is approved. If the plat is not recorded within such time period the subdivision approval shall be void and the owner or proprietor shall re-apply for subdivision plat approval and comply with this Chapter before undertaking the sale, transfer or development of less than all of the tract or parcel of land.

- D. Transfer of land; building permits. No land in a subdivision created after the adoption of these regulations shall be transferred, sold or offered for sale, nor shall a building permit be issued for a structure thereon, until a final plot of such subdivision shall have been recorded in accordance with regulations and the provisions of the State code.
- E. The Worcester County Critical Area Plan shall apply to all subdivisions under this Chapter of the area north of State Route 756, east of U.S. Route 13 Bypass annexed by Resolution No 270 except those excepted activities as set forth in the Worcester County Critical Area Plan of Worcester County, Maryland. [Added 12-9-96 by Ordinance No. 344]
- F. The Worcester County Forest Conservation Law shall apply to all subdivisions under this chapter of areas of forty thousand (40,000) square feet or greater, except those excepted activities as set forth in the Code of Public Local Laws of Worcester County, Maryland, in the Natural Resources Article, §NR 1-403(b). [Added 1-8-1996 by Ord. No. 336]
- G. Penalties. Any violation of these regulations shall be a municipal infraction and shall be subject to a fine as set forth in the Fees, Charges and Rates Schedule, adopted by resolution of the City Council from time to time.<sup>3</sup>

#### **§ 205-4. Development procedures.**

In planning and developing a subdivision, the subdivider or his or her agent shall comply with the general principles of design and minimum requirements for the layout of subdivisions set forth in § 205-9 and with the rules and regulations concerning required improvements set forth in § 205-6 of these regulations, and in every case he or she shall observe the following procedure:

A. Preliminary conference. Before undertaking the preparation of a subdivision plat, the subdivider or his or her engineer should consult with the Planning and Zoning Commission or its agent to ascertain the location of proposed major roads or highways, parkways, parks, playgrounds, land use and other planned developments, as well as the zoning, sanitation and other regulations and the requirements for drainage and utilities relating to, affecting or applying to the subdivision of his or her property. The subdivider should bring with him or her a sketch of his or her property, to approximate scale, showing the boundaries, general topography, important physical features and other significant information, as well as his or her conception or proposed scheme for the development of the property. The Planning and Zoning Commission or its agent will try to assist the subdivider by furnishing information and advice so as to expedite matters for the subdivider, save him or her from unnecessary expense and promote the best coordination between the plans of the subdivider and those of the community. The

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<sup>3</sup> Editor's Note: The current Fees, Charges and Rates Schedule is on file in the City Clerk's office. Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

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Planning and Zoning Commission, however, will not undertake to design the subdivision or to perform other services for which a qualified land planner should more properly be engaged.

### B. Preliminary plat.

- (1) The subdivider shall then prepare a preliminary plat of the proposed subdivision conforming with the requirements set forth in § 205-5 following. At least two weeks prior to a regularly scheduled meeting of the Planning and Zoning Commission at which action on such plat is desired, three (3) black-line or similar prints of the plat shall be filed with the Secretary of the Planning and Zoning Commission, together with an application, in writing, for its tentative approval. In case the proposed subdivision or any part thereof is located outside the corporate limits but within one (1) mile thereof, additional copies of the preliminary plat sufficient to meet the requirements, if any, of Worcester County shall be filed at the same time. The Secretary of the Planning and Zoning Commission shall transmit these copies to the county authorities for their information and appropriate action.
- (2) The preliminary plat will be checked by the Planning and Zoning Commission or its agent as to its conformity with the Major Street Plan and other pertinent features of the Master Plan, other applicable provisions and the principles, standards and requirements hereinafter set forth. Copies will be referred for their recommendation or other appropriate action to all other officials concerned with public improvements or health requirements. At the Planning and Zoning Commission meeting, the Planning and Zoning Commission's agent shall submit his or her findings and recommendations, together with those of the other officials to whom copies were referred, and the Planning and Zoning Commission will tentatively approve or disapprove the preliminary plat or may approve it subject to specific changes or modifications. A copy shall be retained in the Planning and Zoning Commission files. Tentative approval of a preliminary plat shall be valid for not more than one (1) year, unless extended by the Planning and Zoning Commission upon request. No plat shall be approved that is in conflict with Chapter 230, Zoning, or with any part of an officially adopted feature of the Master Plan.

### C. Improvement plans.

- (1) Upon tentative approval of the preliminary plat, the subdivider may prepare and submit to the Planning and Zoning Commission plans for the installation of improvements in accordance with the requirements of § 205-6 of these regulations. Such plans shall be sufficient to show the proposed location, size, type, grade, elevation and other significant characteristics of each improvement. All such improvements shall be designed in compliance with and to the standards, plans and specifications set forth in these regulations. Copies of such improvement plans will be referred by the Planning and Zoning Commission to

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the appropriate officials for checking and approval, subject to such changes or conditions as in their judgment may be required. Said plans shall then be returned to the Planning and Zoning Commission, which shall notify the subdivider of such approval. Plans for the installation of improvements need not be prepared at any one time to cover more than the portion of the subdivision which is to be included in a final plat.

- (2) Upon being notified that the improvement plans have been approved, the subdivider may proceed with the installation of such improvements after obtaining from the appropriate officials the necessary permits to do so, or, in lieu of proceeding with improvements, he or she may post with the Council a performance bond running to the city, in an amount sufficient to cover the cost of any or all of the improvements as estimated by the appropriate officials, to insure the actual construction and installation of such improvements within a time limit and according to other requirements to be specified in each case by said Council.

### D. Final plat.

- (1) Options relative to required improvements. The following options shall apply relative to required improvements:
  - (a) If the subdivider proceeds with the installation of required improvements, then, upon receipt of a report from each of the appropriate officials that such improvements have been completed to his or her satisfaction, the Planning and Zoning Commission will recommend to the Council that it accept the roads and other improvements, and the Planning and Zoning Commission will consider an application for approval of the final plat; or
  - (b) If the subdivider follows the alternative procedure of posting bond as provided above and installing the improvements later, then the Planning and Zoning Commission will receive and consider the final plat before completion of the improvements.
- (2) A final plat may include all of the property covered by the preliminary plat or may be limited to any portion thereof that is intended to be developed as a first unit. Additional final plats may be submitted later, covering additional units of the property, provided that the preliminary plat is still valid or its approval has been extended. Every final plat shall be substantially in accordance with the tentatively approved preliminary plat, including such changes or additions as may have been required by the Commission as a condition to its tentative approval, and it shall conform in every respect with the requirements specified in § 205-7 of these regulations.
- (3) The subdivider shall file with the Planning and Zoning Commission, at least two (2) weeks prior to its meeting, a final plat drawn with ink on tracing cloth or vellum, together with an application, in writing, for the approval thereof. The plat shall be checked by the Commission for compliance with these regulations

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and with the conditions of tentative approval, and the Commission will have the necessary copies made as required in Subsection E.

### E. Approval of final plat.

- (1) Upon a finding by the Planning and Zoning Commission as to the adequacy and compliance of the final plat and its receipt of reports from the responsible officials as to the satisfactory installation of required improvements or the posting of bond therefor, the Planning and Zoning Commission may approve said final plat and shall endorse the fact of such approval on each of the several prints by the signature of its Chair and Secretary in the spaces to be provided therefor. No final plat shall be approved, however, unless it is found by the Commission to conform to the preliminary plat as tentatively approved and to be in conformity otherwise with the requirements of these regulations. The Secretary of the Planning and Zoning Commission shall then file two (2) cloth prints for record with the Clerk of the Circuit Court of Worcester County and shall distribute other prints as follows: one (1) to the Supervisor of Assessments; one (1) to the County Health Department, if required; and one (1) to the Planning and Zoning Commission files. One (1) signed copy shall be returned to the subdivider.
- (2) Approval of the final plat by the Planning and Zoning Commission shall not be deemed to constitute or effect an acceptance by the public of the dedication of any street or other proposed public way or space shown on said plat, but the showing of such ways or spaces shall be deemed to be an offer of dedication which may be accepted by the public through any subsequent appropriate act.

- F. A fee, in the amount as shall be determined by the Council by resolution,<sup>4</sup> shall be collected at the time of filing each preliminary plat to compensate the city in part for the cost of investigating, reviewing and checking the several plans and plats required herein, plus the cost of necessary prints. The recording fees and the cost of necessary prints of the final plat shall be collected at the time such plat is filed with the Planning and Zoning Commission.

### § 205-5. Preliminary plat.

The preliminary plat of the proposed subdivision shall comply with the following requirements and contain the following information:

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<sup>4</sup>Editor's Note: The current Fees, Charges and Rates Schedule is on file in the City Clerk's office.

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### A. General style and form.

- (1) It shall provide all the pertinent information as to existing site conditions, property ownership and the like that may be necessary for the Planning and Zoning Commission to properly consider the proposed subdivision. This information shall be accurate and reliable.
- (2) It shall show the general plan of ultimate development for the property, covering the entire tract of land or so much of it as may be considered to be necessary for an adequate consideration of the part to be subdivided. This information should be in preliminary form, drawn to scale, but not engineered or surveyed.
- (3) It may be drawn in pencil, on tracing paper, but shall not be at a scale smaller than one (1) inch per one hundred (100) feet.

### B. Title information:

- (1) Proposed subdivision name, which shall not duplicate or closely approximate the name of any other subdivision in Worcester County.
- (2) Names and addresses of owner, subdivider or developer and the design surveyor or engineer.
- (3) Description of subdivision location by streets, tract, political subdivision, etc.
- (4) Scale, North point and date.

### C. Information as to existing physical conditions:

- (1) Boundaries of the land being subdivided, in heavy outline, and the acreage therein.
- (2) Topographic contours, referenced to United States Coast and Geodetic Survey datum, at five-foot intervals, except where the average slope is less than three percent (3%), in which case two-foot contours will be required. Contours shall extend one hundred (100) feet beyond the subdivision boundary, except across a public road.
- (3) Watercourses, important trees, wooded areas, buildings, transmission lines, pipelines, other utilities, bridges and any other significant physical items, with the sizes and grades of any water- or sewer lines.
- (4) Locations, widths and names of all existing streets, alleys or other public ways within or adjoining the subdivision or intersecting any street that

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bounds it; those recorded but unimproved (shown by dotted lines); railroad, utility or other rights-of-way or easements; parks and other public spaces; subdivisions, lots and property lines; municipal corporation lines; and the approximate locations and outlines of permanent buildings.

- (5) Existing zoning of the tract and adjacent properties.
  - (6) Information as to the minimum permissible lot sizes on the land in question, to be obtained from the County Health Officer where sanitary sewers or public water facilities are not to be provided.
  - (7) All existing tract lines with appropriate land record references.
- D. Information as to proposed development:
- (1) Layout, widths and names of proposed streets, alleys, crosswalk ways and easements.
  - (2) Layout, numbering and approximate dimensions of proposed lots or parcels.
  - (3) Parcels of land intended to be conveyed or temporarily reserved for public use or for the joint use of property owners, with an explanation of the provision or conditions of such conveyance or reservation and the proposed arrangement for ownership and maintenance.
  - (4) Tentative grade on each street.
  - (5) Tentative locations for utilities and drainage facilities, with easements where necessary.
  - (6) Proposed building lines along all streets, with the amount of setback indicated.
  - (7) Proposed uses of property and any proposed zoning changes.
  - (8) Outline of proposed deed restrictions.
  - (9) General description of street and other public improvements proposed to be installed. [See Subsection D(5). Detailed plans for these are to be prepared after tentative approval of preliminary plat.]

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### § 205-6. Improvements.

- A.<sup>5</sup> Improvements required. The minimum improvements that a subdivider will be required to provide and install in a subdivision, or to enter into agreement to provide and install, prior to the approval of the final plat thereof, shall be as prescribed in this section. All such improvements shall be designed by a licensed architect or engineer in accordance with accepted standard procedures and practices. Nothing, however, shall be construed as prohibiting a subdivider from installing improvements of a higher type than the minimums required herein. The following shall apply to the completion of improvements:
- (1) The required improvements shall be completed, inspected and accepted by the proper authorities prior to the approval by the Planning and Zoning Commission of the final plat and its recording; or
  - (2) In lieu of completing the improvements as required in Subsection A(1) above, the subdivider may furnish to the Council a satisfactory bond in an amount sufficient to cover the estimated cost of such improvements for the purpose of guaranteeing to the city that the subdivider will complete the installation of the improvements within such reasonable limit of time as may be designated by the Council in each case.
- B. Minimum requirements.
- (1) Streets. All new streets shall be graded and drained, base material applied, curb and gutter constructed where required, surfacing applied, utilities installed and street name signs erected, all in accordance with the minimum standards of design and construction adopted by the city or county for acceptance into the appropriate system of public streets or roads. Existing roads or streets within or adjoining the subdivision that do not meet these specifications as to width or construction shall be widened and brought up to standard on the sides which adjoin the subdivision if any lots in the subdivision front thereon, or a service road may be provided along the front of such lots, separated from the main road.
  - (2) Pavement widths. The minimum width of pavement required to be installed at the subdivider's expense shall be as follows:
    - (a) Major streets and highways, as shown on the official Major Street Plan, and collector streets: thirty-six (36) feet in residential areas, forty (40) feet in business or industrial.

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<sup>5</sup>Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.