

ORDINANCE NO. 2458

AN ORDINANCE OF THE CITY OF SALISBURY TO AMEND THE FOLLOWING SECTIONS OF TITLE 16, SUBDIVISIONS, OF THE SALISBURY MUNICIPAL CODE: CHAPTER 16.04 - GENERAL PROVISIONS, SECTIONS .010A AND .030A, CHAPTER 16.08 - DEFINITIONS AND GENERAL PROVISIONS, SECTIONS .010A.8., .010B.6, .020, .030B. AND .040, CHAPTER 16.16 - PRELIMINARY PLAT REQUIREMENTS, SECTIONS .010, CHAPTER 16.20 - FINAL PLAT REQUIREMENTS, SECTIONS .010A.1., B.1., C.15. AND D.3., CHAPTER 16.24 - MINOR SUBDIVISIONS, SECTIONS .005, .010A.6., 8., AND C., CHAPTER 16.28 - RESUBDIVISIONS - CORRECTED PLATS-REQUIREMENTS, SECTION .010A., B., CHAPTER 16.32.010 - RECORD PLAT PROCEDURES, CHAPTER 16.40 MINIMUM DESIGN STANDARDS, SECTIONS .020, .030, .040B.5., .050, .070, .080, .100, .120B.5 AND .130B., CHAPTER 16.44 - IMPROVEMENTS CONSTRUCTION PROGRAM, SECTIONS .010, .020, .040A.4., AND C.2., .080, .110, AND .120, CHAPTER 16.48 - REQUIRED IMPROVEMENTS, SECTIONS .010A., B.1., C., E., F., H., I., .020B., AND .030, AND CHAPTER 16.56 - ENFORCEMENT, SECTION .020A., BY UPDATING THE CITATIONS TO THE ANNOTATED CODE OF MARYLAND, BY DELETING THE REFERENCES TO THE DEPARTMENT OF PUBLIC WORKS AND THE DEPARTMENT OF PLANNING, ZONING AND COMMUNITY DEVELOPMENT AND REPLACING BOTH WITH THE DEPARTMENT OF INFRASTRUCTURE AND DEVELOPMENT, BY DELETING THE POSITION DIRECTOR OF THE DEPARTMENT OF PLANNING, ZONING AND COMMUNITY DEVELOPMENT AND REPLACING IT WITH THE POSITION OF CITY PLANNER IN THE DEPARTMENT OF INFRASTRUCTURE AND DEVELOPMENT, BY DELETING THE REFERENCES TO THE DEPARTMENT OF BUILDING, PLANNING AND ZONING, THE DEPARTMENT OF BUILDING, PERMITTING AND INSPECTIONS AND THE DEPARTMENT OF BUILDING, HOUSING AND ZONING, BY CHANGING THE NUMBER OF COPIES NEEDED FROM 5 TO 4, AND TO CORRECT NUMBERING AND GRAMMATICAL ERRORS .

WHEREAS, the Mayor and Council of the City of Salisbury desire to re-organize the departmental structure of the City of Salisbury; and

WHEREAS, the Department of Public Works is being divided into three separate departments, the Department of Infrastructure and Development, the Department of Water Works, and the Department of Field Operations as part of the reorganization structure for the City of Salisbury; and

WHEREAS, the Department of Planning, Zoning and Community Development no longer exists within the City of Salisbury; and

WHEREAS, the responsibilities for the planning, permitting and licensing will be handled by the newly created Department of Infrastructure and Development; and

WHEREAS, the Salisbury City Council has concluded that it is in the best interest of the City to amend the City Code to accomplish the reorganization plan, which will not result in increased costs under the City's current budget and will allow the Departments to operate in a more efficient manner

NOW, THEREFORE, be it enacted and ordained by the City of Salisbury, that Chapters 16.04, 16.08, 16.16, 16.20, 16.24, 16.28, 16.32, 16.40, 16.44, 16.48, and 16.56 of the City of Salisbury Municipal Code be amended as follows:

Chapter 16.04 – General Provisions - Intent.

16.04.010 – Authority.

- A. Under the authority contained in **[[Chapter 23A]]***Local Government Article §5-212*, **[[Chapter 66B]]***Land Use Title §5* and Real Property Title 3, Subtitle 1, Section 108 of the Annotated Code of Maryland and amendments thereto, and Chapter 8, SC-11-8 of the Charter of the city of Salisbury and other applicable laws of the state or city, the following rules and regulations governing the subdivision of land within the corporate limits of the city of Salisbury are established.

16.04.030 – Exclusions.

- A. The sale or exchange of parcels of land between owners of adjoining properties, provided that additional lots are not thereby created and that the lots remaining after such sale or exchange are not reduced below the minimum sizes or dimensions required by this or other applicable regulations. A plat or property survey showing all sales or exchanges of parcels of land between owners shall be prepared and submitted to the director of **[[public works]]***infrastructure and development* for approval and signing, and prior to recordation by the subdivider;

Chapter 16.08 – Definitions and General Provisions.

16.08.010 – General.

- B. 6. The words “planning director” always mean the **[[director of the department of planning, zoning and community development]]***City Planner in the Department of Infrastructure and Development* or a duly designated representative;
8. The word “city engineer” means the director of **[[public works]]***infrastructure and development* or his duly designated representative.

16.08.020 – Term meanings.

“Applicant” means any person who submits subdivision plans to the planning and zoning commission or department of **[[public works]]***infrastructure and development* for approval~~[[,]]~~.

“Final plat” means a plat prepared in accordance with the provisions of this title, approved by the Salisbury planning and zoning commission or director of **[[public works]]***infrastructure and development* and recorded in the office of the clerk of the circuit court of Wicomico County.

“Planning department” means the Salisbury~~[-Wicomico County]~~ department of ~~[[planning, zoning and community development]]~~*infrastructure and development*.

16.08.030 – Subdivision Control.

- B. Approval is secured thereof from the Salisbury planning and zoning commission or director of ~~[[public works]]~~*infrastructure and development* as provided herein; and

16.08.010 – Plat approval required.

No plat of any major subdivision shall be recorded until it has been submitted to and approved by the planning and zoning commission or director of ~~[[public works]]~~*infrastructure and development* as provided herein. The commission shall not approve the plat unless it is satisfied that the requirements of these regulations have been complied with.

Chapter 16.16 – Preliminary Plat Requirements.

16.16.010 – Preliminary Plat.

- A. Scope—Procedure. A preliminary subdivision plat is required to be submitted to the planning commission for review and approval for all proposed major subdivisions, as defined by Section 16.08.020 of this code, and any subdivision where five lots have already been subdivided from a parcel of record. This provision shall apply regardless of ownership or change in ownership since the original lots were subdivided.
1. The preliminary plat shall be submitted to the planning department which is from time to time established by the planning commission.
 2. The planning commission shall consider such preliminary plat and take action thereon at a meeting open to the public but the plat shall not be scheduled for action by the commission until the director of ~~[[public works]]~~*infrastructure and development* certifies that all requirements of these regulations applying to a preliminary plat have been met.
 3. In the event of a disagreement between the applicant and the director of ~~[[public works]]~~*infrastructure and development* concerning the application of this title, either party may, no sooner than sixty (60) days after the plat is received by the department of ~~[[public works]]~~*infrastructure and development*, submit the plat to the commission for its review.
 4. No plat shall be acted upon by the planning commission except at a public meeting, notice of the time and place of which shall be sent by regular mail to the applicant or his representative not less than five days before the date of the meeting.
 5. The planning commission may approve the preliminary plat with or without conditions or modifications or may disapprove the plat.
 6. If the planning commission disapproves the plat, reasons therefore shall be submitted in writing to either the applicant or his representative.

7. If the commission does not approve, disapprove, table for further consideration, or review and make recommendations on the plat within sixty (60) days after the meeting at which the preliminary plat was first reviewed, the plat shall be deemed approved as submitted, and may be prepared and submitted by the applicant as a final plat.
- B. Drafting Standards. All preliminary plats shall be prepared in accordance with the following drafting standards:
1. The plat shall be drawn at a scale of one inch equals one hundred (100) feet or other appropriate scale approved by the director of **[[public works]]***infrastructure and development*.
 2. When more than one sheet is necessary, each sheet shall bear the name of the subdivision and shall be numbered and show its relationship to the total number of sheets.
 3. Where any revision is made, or when a plat is a resubdivision of a previously recorded plat, dashed or light dotted lines shall be used to show features or locations to be changed. Solid lines shall be used to show the existing features.
 4. The perimeter boundary line of the subdivision shall be shown as a solid heavy line and all proposed lots shall be shown solid with lines of lesser thickness and/or different patterns.
 5. All existing parcels within a proposed subdivision shall be shown by a different line pattern or line weight than the proposed lots and clearly labeled.
 6. Easements shall be shown with dotted lines and clearly labeled.
 7. All plats shall be clearly titled "Preliminary—Not for Recording," on a sheet size of either twenty-four (24) inches by thirty-six (36) inches or eighteen (18) inches by twenty-four (24) inches.
- C. Information Required. The preliminary plat shall meet the minimum design standards for the construction of public improvements set forth in Chapter 16.40 of this title and shall give the following information insofar as possible:
1. The name and location of the proposed subdivision, the name and address of the owner or owners and the name and seal of the **[[or]]** surveyor who prepared the plat and an acknowledgment that the professional land surveyor or property line surveyor is duly licensed by the state of Maryland;
 2. The date, geographic scale and a north arrow designating the northerly direction of the Y-axis of the Maryland State Grid Coordinate System;
 3. *The* **[[L]]** location and vicinity map showing relationship of subdivision site to area;
 4. The location of existing and platted property lines, streets, buildings, watercourses, with detailed or approximately one hundred (100) year floodplain delineation, water and sewer lines, railroads, bridges, culverts, drain pipes, and any easements based on an accurate field survey and the names of all adjoining owners or subdivisions;
 5. Plans of proposed sewer or water utility layouts showing feasible connections to existing or proposed systems when required by the director of **[[public works]]***infrastructure and development*. The number of service connections will be determined by the director of the city department of **[[public works]]***infrastructure and development*;

6. When public sewer and water systems are not available, any proposed individual on-site water supply and/or sewage disposal system must be specifically approved by the city director of **[[public works]]***infrastructure and development* and the county health officer;
7. The tax map, city property maps, grid and parcel numbers, deed reference, zoning classifications; the water and sewerage plan service area; the tax ditch, and the urban services district in which the subdivision is located, if applicable;
8. The names, locations, widths and other dimensions of proposed streets, alleys, easements, parks and other open spaces, reservations and stormwater management areas;
9. Approximate dimensions, lot numbers, block letters, front building lines and any other proposed private setback lines for the proposed lots;
10. Contours at vertical intervals of not more than one foot, when required by the director of the department of **[[public works]]***infrastructure and development*. The director may require contours of a lesser interval where conditions of the parcel warrant;
11. The preliminary plat shall include a signed certificate showing ownership or legal control of the property and a tabular summary of the following:
 - a. The total acreage of the site being subdivided,
 - b. The total number of lots proposed and average lot size,
 - c. The area of natural vegetation to remain on the site and all buffer or screening areas as proposed or as may be required by the commission,
 - d. The estimated total amount of land area on the site to be reserved and used for stormwater management areas,
 - e. The total amount of land area proposed for access rights-of-way, easement areas, on-site recreation, open spaces, and other parcels or areas in the subdivision reserved for the common use of residents,
 - f. The estimated linear footage and area of new public roads to be constructed or widened;
12. The following information shall also be shown, if applicable:
 - a. Chesapeake Bay Critical Area. All preliminary plats for land located in the Chesapeake Bay Critical Area shall be in accordance with the requirements of Chapter 12.20 of Title 12, Chesapeake Bay Critical Area Natural Resources Protection,
 - b. The One Hundred (100) Year Floodplain. The one hundred (100) year floodplain line and elevations shall be shown on the plat in accordance with a method approved by the director of **[[public works]]***infrastructure and development*,
 - c. Forest Conservation Act. All areas required for preservation or conservation as may be required by the Forest Conservation Act,
 - d. A note indicating that the property is located in an airport zoning district and any airport approach, horizontal, transitional or turning surface and an airport clear zone; and the identification of any easement related to airport safety, maintenance or operations which may affect the property,
 - e. When required by the director of **[[public works]]***infrastructure and development* location and general design of any stormwater management

pond as required by Chapter 13.28 of Title 13, Stormwater Management, of this code. A general description of the proposed flow pattern for the entire drainage system, including the paved surfaces, open ditches and piped sections, with outfall points indicated shall be included or available for reference,

- f. All preliminary plats for land located in a well head protection area shall be in accordance with the requirements of the city well head protection areas ordinance,
 - g. The Paleochannel. *On* **[[A]]** all preliminary plats for land located over the paleochannel, the paleochannel line shall be shown.
- D. Copies. **[[Five]]** *Four* copies of the preliminary plat shall be submitted to the planning department. The staff shall distribute the copies as follows: two copies of the plat will be submitted to the department of **[[public works]]** *infrastructure and development*, one copy to the fire chief, **[[one copy to the director of the department of building, permitting and inspections]]**, and one copy will be retained in the files of the planning commission.
- E. Concept Approval or Denial. The planning commission may provide concept approval or denial of a preliminary plat of a parcel that could only be developed by special consideration in order to allow a developer to obtain an approval before proceeding with the required engineering.
- 1. All such plats shall clearly show the reasons for the commission's action, be legible and drawn to approximate scale.
 - 2. Once approval has been obtained from the commission, the plat shall be reviewed and approved in accordance with all final plat requirements of this chapter.
- F. Preliminary Plat of Entire Tract. If, after the subdivision of any five lots from a legally established parcel of record, the planning commission determines that it is necessary in order to assure the future coordination of any street, drainage area or other community services or facilities, the commission may require the preparation of a preliminary plat for up to one hundred (100) acres of the entire tract regardless of current ownership or change in ownership since the original lots **[[where]]** *were* subdivided from the property.
- G. Denial of Preliminary Plats. The planning commission may deny approval of any preliminary plat of the subdivision of land if, after investigations conducted or recommendations by the public agencies concerned, it is determined that at least one of the following factors exists in regard **[[s]]** to the subdivision:
- 1. The land is subject to flooding or is topographically unsuitable for residential occupancy or for such other use and the development or occupancy **[[of which]]** may increase the danger **[[of]]** to health, life, *or* property, or aggravate erosion or *create a* flood hazard to future occupants or the general public; or
 - 2. Inadequate drainage ways or public accessways exist, either on-site or off-site, to serve the proposed development; or
 - 3. A subdivision is proposed without frontage on a governmentally owned or maintained street or road; or
 - 4. The health department has determined that the soils on the site or the water supply serving the subdivision is contaminated and development would pose a danger to the health and safety of the public; or

5. The layout of the lots are such that intensive development of the site will create a safety hazard to the future residents of the subdivision or to the general public; or
 6. The proposed subdivision does not meet the requirements of this title and the applicant is unable to receive a waiver or a variance.
- H. Appeal of Preliminary Plat Denial. All decisions of the commission to deny approval of a preliminary plat may be appealed to the city board of zoning appeals in accordance with the provisions of Chapter 16.52, Appeals, of this title.

Chapter 16.20 – Final Plat Requirements.

16.20.010 – Final Plat.

- A. Scope – Procedure. Final plats may be submitted to the planning department for consideration by the planning commission at any time during the year for official action at a public meeting.
1. No final plat shall be acted upon by the planning commission until the director of **[[public works]]***infrastructure and development* verifies that the plat meets the following:
 - a. Actual size of lots, as approved by the health department or in conformance with Title 17, Zoning, are shown in the plat;
 - b. All requirements for a final plat as required by this chapter and the plat contains the signature of the owner(s), the signature of the surveyor and the signature of the appropriate health department official.
- B. Drafting Standards. All final plats shall be prepared in accordance with the following drafting standards:
1. The plat shall be drawn at a scale of one inch equals one hundred (100) feet or other appropriate scale approved by the director of **[[public works]]***infrastructure and development*.
- C. Information Required. The final plat shall show:
15. The following information shall also be shown:
 - a. Chesapeake Bay Critical Area. All final plats for land located in the Chesapeake Bay Critical Area shall be in accordance with the requirements of Chapter 12.20 of Title 12, Chesapeake Bay Critical Area Natural Resources Protection,
 - b. The One Hundred (100) year Floodplain. The one hundred (100) year floodplain line and elevations shall be shown on the plat in accordance with a method approved by the director of **[[public works]]***infrastructure and development* consistent with the requirements of Chapter 15.16 of Title 15, Floodplain Management, of this code,
 - c. All areas reserved for conservation or preservation in order to comply with the requirements of the Forest Conservation Act,
 - d. A note indicating that the property is located in an airport zoning district and any airport approach, horizontal, transitional or turning surface and an

- airport clear zone; and the identification of any easement related to airport safety, maintenance or operations which may affect the property,
 - e. When required by the director of the department of **[[public works]]***infrastructure and development* any on-site stormwater management pond as may be required by Chapter 13.28 of Title 13, Stormwater Management, of this code,
 - f. All final plats for land located in a well head protection area shall be in accordance with the requirements of the city well head protection areas ordinance,
 - g. The Paleochannel. All final plats for land located over the paleochannel, the paleochannel line shall be shown,
 - h. Wetlands delineation as required by state and/or federal agencies;
- D. Copies. Five copies of the final plat shall be submitted to the planning director for submission to the planning commission and appropriate review agencies.
 - 3. The planning commission may, after favorable recommendation by the director of **[[public works]]***infrastructure and development*, permit a different scale than required by this chapter.

Chapter 16.24 – Minor Subdivisions.

16.24.005 – Applicability.

These regulations, as specifically set forth below, shall apply to the subdivision of land into five lots or less that can be approved by the director of **[[public works]]***infrastructure and development*.

16.24.010 – Minor subdivisions.

- A. The one-time creation of five lots or less from any tract of land legally subdivided after April 29, 1963 is allowed, provided that:
 - 6. All land necessary for the widening of an existing street or road shall be provided as may be required by the city department of **[[public works]]***infrastructure and development* but limited to not more than fifteen (15) feet;
 - 8. All such plats shall be approved by the director of **[[public works]]***infrastructure and development* and county health department and shall comply with all other requirements of Title 17, Zoning, and any other city regulation as may be required by the director of the department of **[[public works]]***infrastructure and development*.
- C. After sixty (60) days from the date of submission to the planning department, either the director of **[[public works]]** *infrastructure and development* or an applicant shall have the right to request that any proposed minor subdivision be processed by the planning commission under the provisions of this chapter.

Chapter 16.28 – Resubdivisions – Corrected Plats – Requirements.

16.28.010 – Resubdivisions and corrected plats.

- A. All such plats shall be clearly labeled with the title and include the notation "Resubdivision" and shall meet the requirements for final plats, except that the plat may be processed administratively by the planning director and the director of **[[public works]]***infrastructure and development*.
- B. Sixty (60) days after submission of the plat, either the director of **[[public works]]***infrastructure and development* or an applicant shall have the right to request that any proposed resubdivision plat be processed by the planning and zoning commission under the final plat provisions of this chapter.

Chapter 16.32 – Record plat Procedures.

16.32.010 – Record plat – Procedures.

- A. After approval of the final plat by the Salisbury planning and zoning commission, the final plat shall be submitted to the planning director for recording among the land records off Wicomico County after the signature of the owner, surveyor, county health officer, the planning commission chairman or vice-chairman and director of **[[public works]]***infrastructure and development*, are certified thereon.
- B. Four black line mylar copies of the plat of a quality that conforms to the state's archival standards, with all certifications noted thereon, shall be provided to the Planning Director for recording. Three copies shall be filed in the Land Records of Wicomico County and one copy filed in the director of **[[public works]]***infrastructure and development's* office.
- C. The subdivider shall pay to the city all costs of recording said plat and any related legal agreements with the clerk of the circuit court.
- D. One fully executed copy of any legal agreements required for the control of any common use areas or a fully executed copy of any condominium documents shall be provided the director of **[[public works]]***infrastructure and development*.
- E. A fully executed deed approved by the city solicitor for the conveyance to the city of the beds of all streets and public easements shown on the final plat.

Chapter 16.40 – Design Standards.

16.40.020 – Functional classification and street width.

The minimum width of the right-of-way, measured from lot line to lot line, of all proposed streets or roads shall be as shown on the applicable portion of the comprehensive plan, area plans or sector plans, the city's approved functional classification map, or if not shown on such plans; as designated by the planning commission. All such roads shall be consistent with the following standards as recommended by the city director of **[[public works]]***infrastructure and*

development. These standards shall not apply to any state or federal aided street or highway. In the event of conflict the state classification system and standards shall apply.

For the purposes of this title total roadway acquisitions shall include the pavement width from face of curb to face of curb and any abutting city-required easement for public utilities.

- A. Collector Systems—General Description. Collector streets serve the function of moving traffic from local streets, providing limited access to abutting land and providing for the movement of traffic to arterial highways or important traffic generators. Route continuity should be encouraged. Wherever possible, existing street patterns and major traffic generators should be recognized as integral parts of the system and all proposed roads designed accordingly. Improvements to existing city streets should be made consistent with these functional classification standards.

Normally, total roadway acquisitions of fifty (50) feet wide are sufficient for providing limited access to abutting properties and moving traffic. Due to the nature of adjoining land uses or the volume of traffic to be served, however, collector streets may be designed to provide service for specialized functions such as commercial, industrial, or high density residential activities. In such cases, the total roadway acquisition may be sixty (60) feet or wider.

The city's collector network includes two main types of streets; a major collector system and a minor collector system, specifically described as follows:

1. Major Collector. The purpose of a major collector street is to carry relatively large volumes of primarily local traffic from major development centers in the city to the closest arterial street or local traffic destination. Properly located major collectors can also serve to separate conflicting land uses.

A major collector shall have a minimum total roadway acquisition of fifty-six (56) feet but could include a right-of-way as wide as sixty (60) feet or more if recommended by the director of **[[public works]]** *infrastructure and development* and approved by the planning commission. The improved portion of the street shall be a minimum of thirty-six (36) feet curb to curb with a ten feet wide easement on either side. Where a median strip is provided or required, both the improvement and total roadway acquisition widths shall be as recommended by the director of **[[public works]]** *infrastructure and development* and approved by the planning commission.

On-street parking will be discouraged and limited. Sufficient space should be left at the outer edge of the right-of-way for future road widening, installation of drainage ways, sidewalks, or utilities. Lot by lot driveway access would be controlled and limited so as to minimize friction points along the road.

Streets planned for intensive commercial or industrial areas shall be classified as major collectors with a minimum right-of-way of sixty (60) feet.

2. Minor Collector. The basic purpose of a minor collector street is to collect traffic from primarily local activity centers in order to provide access to major collector streets. A minor collector could also provide direct access to adjoining land uses.
 - a. A minor collector shall have a minimum total roadway acquisition of fifty (50) feet, curb and gutter and be improved to a minimum of thirty (30) feet curb to curb. The remaining twenty (20) feet easements should be used for grass plot, road widenings, sidewalks, utility extensions, or for another special use, if necessary.
 - b. A minor collector may include the principal street serving a subdivision. Upon recommendation of the director of **[[public works]]** *infrastructure and development* and approval of the planning commission, a minor collector serving the interior of a subdivision may have a fifty (50) foot total roadway acquisition improved to a minimum of thirty (30) feet from curb to curb, with a ten-foot easement for **[[,]]** sidewalks, utilities or drainage ways, or another special use on each side of the right-of-way.

[[C]]B. Local Street System. The most extensive part of the city's highway network consists of its local streets which have the primary purpose of providing direct access to adjoining properties and to provide linkages with minor collector streets.

The local street pattern should be planned so that through traffic is discouraged. The intent of the local system is to provide immediate access to property and the movement of traffic to a minor or major collector. Therefore, the careful design of local streets should encourage the exclusiveness of residential areas.

Local streets should have a minimum total roadway acquisition of forty-six (46) feet including a ten-foot easement on each side of the right-of-way for future road widening, sidewalks, utilities or drainage ways. All such streets shall be improved to a minimum of twenty-six (26) feet from curb to curb to be constructed in accordance with city construction standards.

The following specific types of roads are classified as local streets:

1. Local residential streets (single family): Forty-six (46) feet total roadway acquisition improved to a minimum of twenty-six (26) feet curb to curb. Minor streets are those which are used primarily for access to the abutting residential properties and are designed to discourage their use by through traffic.
2. Marginal access streets: forty-six (46) feet total roadway acquisition improved to a minimum of twenty-six (26) feet curb to curb. 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 through traffic.
3. Dead-End Streets (Cul-De-Sac Streets). Minor streets or courts designed to have one end permanently closed shall be no more than one thousand two hundred (1,200) feet long unless necessitated by topography or the usual shape of the site with a total roadway acquisition of forty-six (46) feet and improved to a minimum of twenty-six (26) feet curb to curb. They shall be provided at the closed end with a turnaround having an outside roadway radius of at least forty (40) feet and a

street right-of-way radius of at least fifty (50) feet. All such turnarounds shall provide a ten-foot easement for sidewalks, utilities or drainage, or another special use. Upon recommendation of the director of public works, an alternative turnaround design may be approved by the planning commission.

4. Dead-End Streets (Longer Than One Thousand Two Hundred (1,200) Feet). A dead-end street which is longer than one thousand two hundred (1,200) feet shall be considered a minor collector and as such shall be constructed to minor collector standards. All such dead-end streets shall be provided at the closed end with a turnaround having an outside roadway radius of at least forty (40) feet and a street right-of-way radius of at least fifty (50) feet. All such turnarounds shall provide a ten-foot easement for road widening, sidewalks, utilities or drainage, or another special use. Upon recommendation of the director of **[[public works]]***infrastructure and development*, an alternative turnaround design may be approved by the planning commission.
5. Loop Streets. A loop street is a public accessway with its entrance point and exit point on the same street or road which is not a part of the loop street. All such loop streets shall be limited to two thousand four hundred (2,400) feet in length with forty-six (46) feet of total roadway acquisition and improved to a minimum of twenty-six (26) feet curb to curb. The entrance point and exit point of any loop street shall be separated by a linear distance of at least one thousand (1,000) feet. If the loop street is the only street providing access to the subdivision, the proposed loop street may be classified as a minor collector and constructed in accordance with the standards for a minor collector. Any loop street proposed which does not meet the design standards as stated shall be as recommended by the director of **[[public works]]***infrastructure and development* and approved by the planning commission.

[[D]]C. Uses Within Total Roadway Acquisitions. The total roadway acquisition width of all streets, as set forth above, shall include, except where specifically not required by this title, the paved portion of the street, the shoulder areas, gutter, and curb areas, future road widenings, utilities, drainage ways and sidewalk areas. The city shall not, under any circumstances, be obligated to construct the curb, gutter or sidewalk at public expense. However, this section shall not prevent the developer or city from placing the sidewalk area in a easement strip outside of the street bed and right-of-way, provided that the street bed is of the minimum width hereinbefore set forth, and provided further that the sidewalk area outside the street bed is properly shown on the plat and is uniform in location the entire length of the street or streets.

16.40.030 – Right-of-way width modifications.

- A. In the cases where topography or other physical conditions make a street of the required minimum right-of-way width impracticable, the planning commission upon the recommendation of the director of **[[public works]]***infrastructure and development* may modify the above requirements.
- B. In commercial and industrial areas, the street right-of-ways may be increased, upon recommendation of the director of **[[public works]]***infrastructure and development*, and with the approval of the planning commission, to provide parking without interference of normal passing traffic.

16.40.040 – Future street extensions.

- B. Where the proposed street extension is not longer than the depth of one proposed lot, the following shall apply:
5. In a proposed subdivision which is required to provide future street extensions, the property owner shall enter into an agreement by which a common owner's association will be formed and will be responsible for the maintenance of the area designated as reserved for future street extensions. The agreement shall also provide that if, after notice by the department of **[[public works]]***infrastructure and development* to correct a violation requiring maintenance work, satisfactory corrections are not made by the owner(s) or owner's association within thirty (30) days and it becomes necessary for the city to maintain or cause to be maintained any such area, the cost of such maintenance shall be borne by the property owner(s) and owner's association and if unpaid, shall become a lien against the property and collected the same as taxes by the city.

16.40.050 – Additional widths on existing streets.

- A. Proposed subdivisions that adjoin existing streets shall dedicate any additional right-of-way necessary to meet the above minimum street width requirements if required by the director of **[[public works]]***infrastructure and development*.

16.40.070 – Subdivision and street names.

Proposed streets which are obviously in alignment with others already existing and named shall bear the names of existing streets. In no case shall the name for proposed streets or subdivisions duplicate, actually or phonetically, existing streets or subdivisions irrespective of the use of the suffix street, avenue, boulevard, driveway, place, lane or court. Through its index list of names on file, the department of **[[public works]]***infrastructure and development* can assist the subdivider in avoiding duplications. The planning commission shall be responsible for approving the names of all streets and subdivisions as a part of its final plat approval.

16.40.080 – Reservations/easements.

Any additional area shown as a reservation/easement for future use of the city which is not a part of the dedicated right-of-way shall be shown on the plat and reserved for future use at no cost to the city for road widenings, utility installation, sidewalks, drainage or other such public use which may be determined by the director of **[[public works]]***infrastructure and development*. All such reservation/easement areas shall be clearly shown with accompanying explanatory notes on the plat and maintained by individual lot owners or the owner's association.

16.40.100 – Design and construction standards.

The design standards for each street constructed will depend upon the volume of traffic to be served, future land uses and federal, state and city requirements at the time of construction.

Except where specifically required below or listed elsewhere in this chapter, the design of all streets shall be subject to the approval of the director of **[[public works]]***infrastructure and development* and shall be consistent with city street construction standards and policies as found in:

- A. Construction and Material Specifications for Utility and Roadway Construction.
- B. Construction Standards – City of Salisbury.

16.40.120 – Lot design and arrangements.

- B. Minimum size. The size, shape and orientation of lots shall be such as the developer deems appropriate for the type of development and use contemplated subject to the approval of the State Health Officer and the planning commission.
 - 5. Community Water and Sewerage Systems. In the event that lots are proposed to be served by community water and sewer systems, all lot sizes shall be those required by Title 17, Zoning, or as authorized by the specific provisions of this title. No final plat approval of such lots shall be scheduled for final review by the planning commission until written approval has been received from the State Health Department and the director of city **[[public works]]***infrastructure and development*.

16.40.130 – Public use and service areas.

Due consideration shall be given to the allocation of areas suitably located and of adequate size for playgrounds and parks for local or neighborhood use as well as public service areas.

- B. Easement for Utilities. Except where alleys are permitted for utility locations, the planning commission may permit easements, not exceeding forty (40) feet in width, for poles, wires, conduits, storm and sanitary sewers, gas, water and other utility lines, along all rear lot lines or along side lot lines. In the opinion of the director of **[[public works]]***infrastructure and development* and the planning commission, easements of the same or greater width may be required along the lines of or across lots, where necessary for the extension of existing or planned utilities.

Chapter 16.44 – Improvements Construction Program.

16.44.010 – Improvements construction plan required.

Whenever improvements are proposed for a subdivision, an improvement construction plan of the subdivision shall be furnished to the director of **[[public works]]***infrastructure and development*. Such plan shall be accompanied by an estimate of the cost of improvements and specifications and other requirements of the department of public works.

16.44.020 – Improvements construction plan.

- A. An improvements construction plan of the subdivision shall be approved by the director of the department of **[[public works]]***infrastructure and development*. Such improvements construction plan shall be accompanied by an estimate of quantities and an estimate of costs thereof. No construction of improvements as stated herein shall start before final approval of this plan.
- B. Information required on this plan shall be in accordance with the city's construction standards and construction and materials specifications.
- C. **[[Five]]***Four* copies of the preliminary improvements construction plan shall be submitted to the planning department. Two copies of the plat will be submitted to the department of **[[public works]]***infrastructure and development*, one copy to the fire chief, **[[one copy to the director of department of building, permitting and inspections]]** and one copy will be retained in the files of the planning commission.
- D. After approval of the plan by the director of **[[public works]]***infrastructure and development*, one second original of the improvements construction plan with all signatures shall be furnished to the director. All improvements shall be constructed in accordance with this signed plan.
- E. **[[Five]]***Four* copies of the approved improvements construction plan with all signatures shall be furnished to the planning department. Two copies will be submitted to the department of **[[public works]]***infrastructure and development*, one copy to the fire chief, **[[one copy to the director, department of building, housing and zoning]]** and one copy will be retained in the files of the planning commission.
- F. After all improvements have been satisfactorily completed one second original of improvements construction plans with words "as built" shown on the plans, shall be furnished to the director of the department of **[[public works]]***infrastructure and development*.

16.44.040 – Information required on improvements construction plan.

The improvements construction plan shall be prepared consistent with the requirements of the department of **[[public works]]***infrastructure and development* checklist and shall include:

- A. General requirements:
 - 4. Specifications of all construction consistent with the construction and materials specification and the construction standards of the city department of **[[public works]]***infrastructure and development*;
- C. Street profiles:
 - 2. Proposed curb grade with percent of grade on tangent and elevations at one hundred (100) foot intervals, point of vertical intersection and either end of curb radii. When required by the director of **[[public works]]***infrastructure and development*, the subdivider shall provide preliminary and final cross sections of streets at appropriate intervals and at such width as to permit reasonably accurate calculations of cut and fill to adequately determine earthwork quantities.

16.44.080 – Installation of stormwater drainage facilities.

If streets interfere with natural flow of surface waters, then storm sewers, culverts and related installations shall be provided to carry the flow of natural drainage to a point of discharge that shall flow to an open watercourse in accordance with a stormwater management plan submitted under the provisions of Chapter 13.28 of Title 13, Stormwater Management, of this code or as approved by the director of **[[public works]]***infrastructure and development*.

16.44.110 – Cross sections of streets.

All streets shall be constructed in accordance with appropriate cross sections as shown in the schedules established by the city department of **[[public works]]***infrastructure and development*.

16.44.120 – Abandonment of dedicated streets.

When plats of subdivisions in the city are legally recorded among the land records of Wicomico County, those portions of land designated on the plats as streets, roads and other thoroughfares shall be forever dedicated to public use, provided that nothing herein shall affect the rights of any person owning any interest in the lands to have the right to petition the circuit court of Wicomico County for abandonment of the subdivision of lands so made and reconversion of the same and the abandonment of all or any of the dedications made by the plat, or both. A corrected plat in accordance with this title shall be submitted to and approved by the director of **[[public works]]***infrastructure and development*.

Chapter 16.48 – Required Improvements.

16.48.010 – Required improvements.

A developer shall be required to make the following improvements in accordance with the specifications established by the city and by this chapter.

- A. Grading. All grading, including roads and streets shall be accomplished in compliance with the city construction standards as prepared by the department of **[[public works]]***infrastructure and development*.
- B. Drainage Plan and Maintenance.
 1. The developer, at the time of presenting the improvements construction plan for approval, shall submit an adequate plan for the disposal of all stormwater in the proposed subdivision. An adequate permanent outlet for this stormwater shall be provided or shown to exist. In the preparation of the plan, the engineering staff of the department of **[[public works]]***infrastructure and development* shall, upon request, assist and advise the developer.
- C. Stabilization. Stabilization of all streets within the subdivision shall be accomplished, by the developer, in accordance with city construction standards as prepared by department of **[[public works]]***infrastructure and development*. The developer shall pay one hundred (100) percent of the cost of this stabilization.
- E. Curb and Gutter. Curb and gutter in accordance with the city construction standards shall be placed by the developer on both sides of all new streets in all subdivisions. The

developer shall pave these streets, in conformance with subsection D of this section, following the placement of curb and gutter and stabilization. When, in the opinion of the director of **[[public works]]***infrastructure and development* the terrain or the drainage conditions are such as to prohibit the installation of curb and gutter, then side ditches instead of curb and gutter may be allowed with the specific approval of the director of **[[public works]]***infrastructure and development*. Drainage easements for such side ditches shall be shown in their entirety on the final plat.

- F. Street Name Signs. Appropriate street signs also add sales value to land subdivisions and enable emergency personnel, strangers, delivery concerns and even potential lot buyers to find their way around. Street names shall be installed at all intersections. Street names signs shall comply with standards used by the city. Upon request, the director of **[[public works]]***infrastructure and development* will aid the subdivider with specifications for the construction, placing and setting of such signs.
- H. Water Supply System. When any subdivision is located within the service area of a public water system, water mains shall be installed in such a manner as to serve adequately all lots with connection to the public system. Where lots cannot be economically connected with a public water system, a private well location shall be provided and approved by certificate in writing by the county health officer only with specific approval of the director of **[[public works]]***infrastructure and development* and shown on the final subdivision plat. The number of service connections will be determined by the director of the city department of **[[public works]]***infrastructure and development*.
- I. Sanitary Sewers. When any subdivision is located within the service area of a public sewerage system, sanitary sewers shall be installed in such a manner as to serve adequately all lots with connection to a public system. Where lots cannot be economically connected with a public sewerage system, an adequate area shall be provided for the installation of a private sewerage system certified in writing by the county health officer and the city director of **[[public works]]***infrastructure and development* and shown on the final subdivision plat. The number of service connections will be determined by the director of the city department of **[[public works]]***infrastructure and development*.

16.48.020 – Improvement standards.

The planting of street trees and the installation of sidewalks is considered a duty of the subdivider as well as a good business practice and shall be provided as follows.

- B. Sidewalks. For the protection of pedestrians and of children at play, installation of sidewalks by the developer or owners shall be installed if required by the director of **[[public works]]***infrastructure and development*. If the developer and/or owner desire to construct sidewalks, they shall be located and constructed in accordance with the city construction standards. If the sidewalk is not proposed to be located in accordance with the construction standards, the location shall be approved by the planning commission and shown or noted on the final plat.

16.48.030 – Guarantees in lieu of completed improvements.

No subdivision shall be recorded or building permit issued for nonpublic improvements therein until the director of **[[public works]]***infrastructure and development* accepts a cash bond, a security bond, or an irrevocable letter of credit in an amount equal to one hundred (100) percent of the estimated cost of installation of the required public improvements, whereby public improvements may be made and utilities installed without cost to the city in the event of a default by the subdivider. However, even with such guarantee, no occupancy permit shall be issued until all public improvements have been completed satisfactorily and approved by the city director of public works.

Chapter 16.56 – Enforcement.

16.56.020 – Implication of final approval.

- A. No plat of a subdivision of land into two or more lots, sites or other division of land for the purpose, whether immediate or future, of sale or building development located within the corporate limits of Salisbury shall be recorded in the land records of the county until the plat has received final approval of the planning commission and/or the director of **[[public works]]***infrastructure and development*, which approval shall be written upon the final plat and record plat.

EXPLANATION:

- * *ITALICIZED PRINT INDICATES MATERIAL ADDED TO EXISTING LAW.*
Deleted material from the existing Code is indicated by bold double bracketed **[[]]** language.

AND BE IT FURTHER ENACTED AND ORDAINED BY THE CITY OF SALISBURY, MARYLAND, that the Ordinance shall take effect upon final passage.

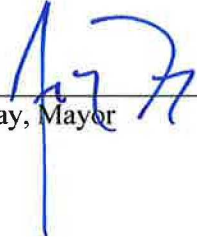
THIS ORDINANCE was introduced and read at a meeting of the Council of the City of Salisbury held on the 11th day of September, 2017 and thereafter, a statement of the substance of the ordinance having been published as required by law, in the meantime, was finally passed by the Council on the 9th day of October, 2017.

ATTEST:


Kimberly R. Nichols, City Clerk


John R. Heath, City Council President

Approved by me, this 10th day of OCTOBER, 2017.



Jacob R. Day, Mayor

To: City Council
From: Julia Glanz, City Administrator
Subject: Reorganization- Charter and Code Changes
Date: August 2, 2017

During the FY18 Budget Process, the Mayor and I proposed a plan to reorganize the departments within our City government in order to more appropriately align them with the City's goals and objectives.

Substantial changes that constitute this reorganization include: a one-stop-shop for all development projects, the consolidation of our code enforcement officers by relocating them all to one department, a reworking and division of the legacy structure of our Public Works department, a new focus on GIS in all City departments, an independent Procurement department, and the revocation of a previous arrangement that placed Parking under Procurement's purview. This reorganization will be evident in the functionality of our City government and will have a minimal impact on the FY18 Budget.

To further explain this reorganization, all proposed City Code and Charter changes are attached for your review, as well as the ordinance necessary to accept those changes.