

ARTICLE VI. SCHEDULE OF ZONE REGULATIONS

SCHEDULE OF ZONE REGULATIONS

DISTRICTS	AREAS NOT SERVED BY COMMUNITY FACILITIES					AREAS SERVED BY COMMUNITY FACILITIES					Maximum Height Feet	Minimum Road Frontage Feet
	Minimum Area & Dimension		Minimum Yard Requirements [1]			Minimum Area & Dimension		Minimum Yard Requirements [1]				
	(Sq.Ft.)	Width (ft.)	Front	Side [2]	Rear [2]	(Sq.Ft.)	Width (ft.)	Front	Side [2]	Rear [2]		
NAR												
single-family residential low-density	20,000	80	40	10	40	12,000	65	30	10	30	35	100/25 [6]
SAR												
single-family residential low-density	20,000	80	40	10	40	12,000	65	30	10	30	35	100/25 [6]
RR												
single-family residential low-density	20,000	80	40	10	40	12,000	65	30	10	30	35	100/25 [6]
SR												
Detached, Single Family	20,000	80	30	10	40	12,000	65	30	10	40	35	100/25 [6]
Semi-Detached [3]	na	na	na	na	na	6,500 [4]	65	30	15	40	35	100/25 [6]
Duplex [3]	na	na	na	na	na	13,000 [5]	80	30	15	40	35	100/50 [6]
Townhouse [3]	na	na	na	na	na	1,800	18	20	15 [8]	40	35	na
Apartments [3]						Refer to Article XII						
DR												
Detached, Single Family	20,000	80	30	10	40	6,500	65	30	10	40	35	100/25 [6]
Semi-Detached [7]	na	na	na	na	na	6,500 [4]	65	30	15	40	35	100/25 [6]
Duplex [7]	na	na	na	na	na	13,000 [5]	80	30	15	40	35	100/50 [6]

SCHEDULE OF ZONE REGULATIONS

DISTRICTS	AREAS NOT SERVED BY COMMUNITY FACILITIES					AREAS SERVED BY COMMUNITY FACILITIES					Maximum Height Feet	Minimum Road Frontage Feet
	Minimum Area & Dimension		Minimum Yard Requirements [1]			Minimum Area & Dimension		Minimum Yard Requirements [1]				
	(Sq.Ft.)	Width (ft.)	Front	Side [2]	Rear [2]	(Sq.Ft.)	Width (ft.)	Front	Side [2]	Rear [2]		
DR (continued) Townhouse [3]	na	na	na	na	na	1,800	18	20	15 [8]	40	35	na
Apartments [3]						Refer to Article XII						
TR												
Detached, Single Family	20,000	80	40	20	40	6,500	65	30	10	30	35	100/25 [6]
Semi-Detached [3] [9]	na	na	na	na	na	6,500 [4]	65	30	15	40	35	100/25 [6]
Duplex [3] [9]	na	na	na	na	na	13,000 [5]	80	30	15	40	35	100/50 [6]
Townhouse [3] [9]	na	na	na	na	na	1,800	18	20	15 [8]	40	35	na
Apartments [3] [9]						Refer to Article XII						
VR												
Detached, Single Family	20,000	80	30	10	40	6,000	55	15	7	40	35	100/25 [6]
Semi-Detached	na	na	na	na	na	6,000	55	15	7	40	35	100/25 [6]
Duplex	na	na	na	na	na	10,000	55	15	7	40	35	100/25 [6]
RM												
Detached, Single Family	20,000	80	30	10	40	6,500	65	30	10	40	35	100/25 [6]
Semi-Detached	na	na	na	na	na	6,500 [4]	65	30	15	40	35	100/25 [6]
Duplex	na	na	na	na	na	13,000 [5]	80	30	15	40	35	100/50 [6]
Townhouse	na	na	na	na	na	1,800	18	20	15 [8]	40	35	18
Apartments						Refer to Section 29						

SCHEDULE OF ZONE REGULATIONS

DISTRICTS	AREAS NOT SERVED BY COMMUNITY FACILITIES					AREAS SERVED BY COMMUNITY FACILITIES					Maximum Height Feet	Minimum Road Frontage Feet
	Minimum Area & Dimension		Minimum Yard Requirements [1]			Minimum Area & Dimension		Minimum Yard Requirements [1]				
	(Sq.Ft.)	Width (ft.)	Front	Side [2]	Rear [2]	(Sq.Ft.)	Width (ft.)	Front	Side [2]	Rear [2]		
MH												
Detached, Single Family	20,000	80	30	10	40	6,500	65	30	10	40	35	100/25 [6]
Mobile Home Subdivision	20,000	80	30	10	40	6,500	65	30	10	40	35	100/25 [6]
BL												
Commercial/Business	15,000	65	25	20 [10]	60 [11]	15,000	65	25	20 [10]	60 [11]	35	50
Residential	20,000	80	30	10	60	6,500	65	30	10	40	35	100/25 [6]
BG												
Commercial/Business	20,000	65	50	20 [10]	60 [11]	As required	65	50	20 [10]	60 [11]	55	50
Residential	20,000	80	30	10	60	6,500	65	30	10	40	35	100/25 [6]
BI												
Commercial/Business	As required	65	75/30 [12]	50 [10]	60 [11]	As required	65	75/30 [12]	50 [10]	60 [11]	65	50
Residential	20,000	80	30	10	60	6,500	65	30	10	40	35	100/25 [6]
MB												
Business	20,000	65	110 [13]	20 [10]	60 [11]	As required	65	110 [13]	20 [10]	60 [11]	35	50
Residential	20,000	80	110 [13]	10	60	6,500	65	110 [13]	10	40	35	100/25 [6]
M1												
Industrial	As required	As required	75/30 [12]	50 [10]	60 [11]	As required	As required	75/30 [12]	50 [10]	60 [11]	75	50

SCHEDULE OF ZONE REGULATIONS

DISTRICTS	AREAS NOT SERVED BY COMMUNITY FACILITIES					AREAS SERVED BY COMMUNITY FACILITIES					Maximum Height Feet	Minimum Road Frontage Feet
	Minimum Area & Dimension		Minimum Yard Requirements [1]			Minimum Area & Dimension		Minimum Yard Requirements [1]				
	(Sq.Ft.)	Width (ft.)	Front	Side [2]	Rear [2]	(Sq.Ft.)	Width (ft.)	Front	Side [2]	Rear [2]		
M2												
Industrial	As required	As required	75/30 [12]	50 [10]	60 [11]	As required	As required	75/30 [12]	50 [10]	60 [11]	75	50
MEA												
Industrial	See Section 67 and 68 for setback and other requirements					See Section 67 and 68 for setback and other requirements						
Residential	20,000	80	40	10	40	12,000	65	30	10	30	35	100/25 [6]

See Notes on following page.

SCHEDULE OF ZONE REGULATIONS

Notes:

- [1] Principal structures on lots created after the adoption of this Ordinance shall be setback from any right-of-way or road widening easement of collector or arterial roadways as defined on the Official Cecil County Roadway Classification Map as follows:

ZONING DISTRICT MINIMUM SETBACK

NAR, SAR, RR	100 Feet
SR, DR, RM	50 Feet

- [2] When required, side and rear yards are each increased by at least one foot for each additional foot of building above 35 feet.
- [3] Permitted in PUDs only
- [4] Per unit
- [5] Per building
- [6] Road frontage requirements may be reduced to the lower figure for lots on a local roadway as defined on the Official Cecil County Roadway Classification Map.
- [7] Permitted only when served by public sewer or when within a PUD.
- [8] A 15 foot side yard is required for end units.
- [9] As established in the Sketch Plat reviewed by Town officials or the standards for the DR zone, whichever is less.
- [10] Where the proposed use abuts land zoned "business" or "industrial" the minimum side yard shall be 10 feet.
- [11] Where the proposed use abuts land zoned "business" or "industrial" the minimum rear yard shall be 30 feet.
- [12] Setback may be reduced to lower figure when access is from an internal street serving an industrial or business park.
- [13] Measured from mean high tide or the landward extent of tidal wetlands whichever is greater. For Buffer Exemption Areas see Section 195.

ARTICLE VII DENSITY AND DIMENSIONAL REGULATIONS

Section 165. Minimum Lot Size, Density and Yard Requirements

After the effective date of this Ordinance, any lot created shall meet the lot size, density and other minimum requirements as specified in the Articles VI and VIII in the regulations for each zone, except as may be provided in Article XI, Part I, Section 193 through 197.

Section 166. Maintenance of Required Minimum Yards, Open Space and Lot Area

The maintenance of minimum yards and other open space and minimum lot area legally required for a building shall be a continuing obligation of the owner of the property on which it is located. Furthermore, no legally required yards, other open space, or minimum lot area allocated to a building shall by virtue of change of ownership or for any other reason, be used to satisfy yard, other open space, or minimum lot area requirements for any other building.

Section 167. Building Yard/Area Requirements

- 1.** Yard requirements are set forth for each zone in Article VI. In the case of corner lots, a front yard of the required depth shall be provided in accordance with the prevailing yard pattern and a second front yard of equal depth shall be provided on the other frontage. In the case of corner lots with more than two frontages, the Zoning Administrator shall determine the requirements for each.
- 2.** Where an official boundary line has been established by deed description or easement for the future widening or opening of a street or major thoroughfare upon which a lot abuts, then the depth of a front or side yard shall be measured from such official line.
- 3.** For the purpose of the side yard regulation, a group of business or industrial buildings separated by common or party walls shall be considered as one (1) building occupying one (1) lot.
- 4.** Where a lot is to be occupied for a permitted use without buildings, the yards required for such lot shall be provided unless otherwise stipulated in the Ordinance, except that yards shall not be required on lots used for garden purposes nor on lots used for public recreation areas. The use of vacant land for a permitted use, other than agriculture, shall require a Zoning Certificate.
- 5.** Condominiums shall meet the required setbacks for the zoning district in which they are located.

Section 168. Building Height Limitations

1. Except as hereinafter provided, no building or structure, or part thereof, shall hereafter be erected or altered to a height greater than the maximum specified for the respective zone.
2. Subject to the remaining provisions of this section, building height limitations in the various zoning districts shall be as indicated in Article VI, Schedule of Zone Regulations.
3. Except in the Critical Area District or within an area defined as Airport Approach Zone by the Federal Aviation Administration or other government agency, the height limitations specified in Article VI shall not apply to:

Belfries	Public Monuments
Chimney	Ornamental Towers and Spires
Church Spires	Communication Towers
Conveyors	Agricultural or Agribusiness Structures
Cooling Towers	Smoke Stacks or Scrubbing Towers
Elevator Bulkheads	Stage Towers
Fire Towers	Storage Tanks
Water Towers and Standpipes	
Flag Poles	

4. Except for water towers and standpipes, the height of any structure listed in 3 above which is constructed after the date of adoption of this Ordinance shall not exceed the distance between such structure and any lot line.
5. When permitted in a zone, public or semi-public service buildings, hospitals, institutions, schools may be erected to a height not exceeding 75 feet when the required side and rear yards are each increased by at least one (1) foot for each one (1) foot of additional building height above the height regulations for the zone for which the building is located.

Section 169. Structure Limits Over Water

No structure connected to the shoreline, such as a dock, pier, boathouse, etc., shall extend outward from the Mean High Water Line from where the structure is connected to the shoreline, more than twenty-five (25) percent of the distance to the upland on the opposite shore, or more than three hundred (300) feet, whichever is the lesser distance. Notwithstanding this provision, no dock or pier shall extend to within the boundaries of any defined navigation channel established by a state or federal agency.

Section 170. Setback Modification

The front, rear and side setbacks, and lot width requirements may be modified by the Cecil County Planning Commission in the case of major subdivisions and by the Office of Planning and Zoning in the case of minor subdivisions or site plans where it is determined that such modifications will contribute to better subdivision or site plan design and will not have an adverse effect on adjacent properties.

Section 171. Road Frontage Waivers

The minimum road frontage requirements as stated Article VI - Schedule of Zone Regulations shall not be required:

1. For lots created under the intra-family transfer provisions of the Cecil County Road Code.
2. For subdivisions proposed under a previously approved Road Code Waiver.
3. In business or industrial parks where the roads are built to County Road Code standards but which are privately maintained. Road Code Waiver required.
4. For newly created business or industrial lots where said lots share ingress and egress with other business or industrial uses at approved access points onto County and State maintained roads. Said access points shall serve a maximum of three (3) lots. Appropriate legal instruments shall be recorded that provide for the shared ingress and egress. Road Code Waiver required.
5. For lots being created around legally existing dwellings provided that legal instruments are recorded providing perpetual access onto a County or State maintained road to the newly created lot. Road Code Waiver required.

Section 172. Reserved

Section 173. Reserved

ARTICLE VIII. SCHEDULE OF DENSITY AND OPEN SPACE REQUIREMENTS

SCHEDULE OF DENSITY AND OPEN SPACE REQUIREMENTS

DISTRICT	Minor Subdivision	Major Subdivision	Major Subdivision	Major Subdivision	Major Subdivision	Major Subdivision	Major Subdivision	Major Subdivision
	Maximum Dwelling Units Per Acre (DU's per Acre)	Maximum Dwelling Units Per Acre A	Maximum Dwelling Units Per Acre B	Maximum Dwelling Units Per Acre B (PUD)	Maximum Dwelling Units Per Acre Bonus Density	Minimum Open Space Requirement Bonus Density	Minimum Open Space Requirement [1]	Minimum Open Space Requirement PUDs
NAR	1	0.10	0.10	na	na	na	15%	na
SAR	1	0.05	0.05	na	na	na	15%	na
RR	1	0.20	0.20	na	0.33	60% [2]	15%	na
SR								
- Detached	na [5]	1	2	4	na	na	15%	30%
- Semi Detached	na	na	na	4	na	na	na	30%
- Duplexes	na	na	na	4	na	na	na	30%
- Townhouse	na	na	na	4	na	na	na	30%
DR								
- Detached	na [5]	1	4	6	na	na	15%	25%
- Semi Detached	na	na	4	6	na	na	20%	25%
- Duplexes	na	na	4	6	na	na	20%	25%
- Townhouse	na	na	na	6	na	na	20%	25%
TR [3]								
- Detached	na [5]	1	4	6	na	na	15%	25%
- Semi Detached	na	na	na	6	na	na	20%	25%
- Duplexes	na	na	na	6	na	na	20%	25%
- Townhouse	na	na	na	6	na	na	20%	25%

(Amended on 8/14/06, Effective 1/1/07)

SCHEDULE OF DENSITY AND OPEN SPACE REQUIREMENTS

	Major Subdivision	Major Subdivision						
DISTRICT	Maximum Dwelling Units Per Acre B (with TDRs) [6]	Minimum Open Space Requirement (with TDRs) [6]						
SR								
- Detached	4	30%						
- Semi Detached	4	30%						
- Duplexes	4	30%						
- Townhouse	4	30%						
- Apartments	4	30%						
DR								
- Detached	12	30%						
- Semi Detached	12	30%						
- Duplexes	12	30%						
- Townhouse	12	30%						
- Apartments	12	30%						
TR [3]								
- Detached	6	30%						
- Semi Detached	6	30%						
- Duplexes	6	30%						
- Townhouse	6	30%						
- Apartments	6	30%						

(Amended on 8/14/06, Effective 1/1/07)

SCHEDULE OF DENSITY AND OPEN SPACE REQUIREMENTS

DISTRICT	Minor Subdivision	Major Subdivision	Major Subdivision	Major Subdivision	Major Subdivision	Major Subdivision	Major Subdivision	Major Subdivision
	Maximum Dwelling Units Per Acre (DU's per Acre)	Maximum Dwelling Units Per Acre A	Maximum Dwelling Units Per Acre B	Maximum Dwelling Units Per Acre B (PUD)	Maximum Dwelling Units Per Acre Bonus Density	Minimum Open Space Requirement Bonus Density	Minimum Open Space Requirement [1]	Minimum Open Space Requirement PUDs
VR [4]								
- Detached	na [5]	1	4	na	na	na	15%	na
- Semi Detached	na [5]	na	4	na	na	na	20%	na
- Duplexes	na [5]	na	4	na	na	na	20%	na
RM								
- Detached	na [5]	2	6	na	na	na	15%	na
- Semi Detached	na [5]	2	6	na	na	na	20%	na
- Duplexes	na [5]	2	6	na	na	na	20%	na
- Townhouse	na	2	12	na	na	na	20%	Na
- Apartment	na	2	16	na	na	na	20%	Na
MH								
- Detached	na [5]	2	4	na	na	na	15%	Na
- Mobile Homes	na [5]	2	4	na	na	na	15%	na
- Mobile Home Park	na	na	6	na	na	na	15%	na
MEA								
- Detached	0.02	0.02	0.02	0.02	na	na	20%	na

See Notes on following page

SCHEDULE OF DENSITY AND OPEN SPACE REQUIREMENTS

DISTRICT	Minor Subdivision	Major Subdivision	Major Subdivision	Major Subdivision	Major Subdivision	Major Subdivision	Major Subdivision	Major Subdivision
	Maximum Dwelling Units Per Acre (DU's per Acre)	Maximum Dwelling Units Per Acre A	Maximum Dwelling Units Per Acre B	Maximum Dwelling Units Per Acre B (PUD)	Maximum Dwelling Units Per Acre Bonus Density	Minimum Open Space Requirement Bonus Density	Minimum Open Space Requirement [1]	Minimum Open Space Requirement PUDs
VR [4]								
- Detached	na [5]	1	4	na	na	na	15%	na
- Semi Detached	na [5]	na	4	na	na	na	20%	na
- Duplexes	na [5]	na	4	na	na	na	20%	na
RM								
- Detached	na [5]	2	6	na	na	na	15%	na
- Semi Detached	na [5]	2	6	na	na	na	20%	na
- Duplexes	na [5]	2	6	na	na	na	20%	na
- Townhouse	na	2	12	na	na	na	20%	Na
- Apartment	na	2	16	na	na	na	20%	Na
MH								
- Detached	na [5]	2	4	na	na	na	15%	Na
- Mobile Homes	na [5]	2	4	na	na	na	15%	na
- Mobile Home Park	na	na	6	na	na	na	15%	na
MEA								
- Detached	0.02	0.02	0.02	0.02	na	na	20%	na

See Notes on following page

SCHEDULE OF DENSITY AND OPEN SPACE REQUIREMENTS

Notes:

- A Includes areas not served by community facilities (see Article II for definitions).
- B Includes areas served by community facilities (see Article II for definitions).
- [1] This open space requirement applies to all major development involving ten (10) units/lots or more.
- [2] See Sections 22, 23 or 24 for detailed requirements.
- [3] Density, unit type, open space and other performance provisions in developments of greater than 10 lots or units or development with a density greater than one unit per acre may be set by agreement with and upon review by the appropriate Town officials (See Section 27).
- [4] See Section 28.
- [5] For purposes of Article VIII, minor subdivision density shall be the same as major subdivision, with or without community facilities.
- [6] See Section 246 for detailed requirements

(Amended on 8/14/06, Effective 1/1/07)

ARTICLE IX ENVIRONMENTAL STANDARDS AND OPEN SPACE

Section 174. Environmental Standards for all Subdivisions and Development Requiring Site Plan Approval

- 1. Perennial Stream no-disturbance buffer**
 - a.** A one-hundred ten (110) foot natural buffer from all perennial streams, as described on the U.S.G.S. 7.5 Minute Quadrangle maps shall be required for all development. Permanent or temporary stormwater and/or sediment control devices shall not be permitted in this buffer.
 - b.** If the property is located outside of the Cecil County Critical Area District this buffer requirement may be waived by the Cecil County Planning Commission and/or the Office of Planning and Zoning for the following:
 - (1)** If the development occurs within the "Development District" described within the Comprehensive Plan provided:
 - (a)** If evidence is provided that the design, construction and use of the site will provide the same or better protection of water quality as the 110' buffer, and;
 - (b)** If evidence is provided that said development will meet all other applicable requirements, as required.
 - (2)** Road crossings, if disturbance is minimized.
 - (3)** Other public or community facilities provided disturbance is minimized in so far as possible.
 - c.** This buffer shall be transferred to the Cecil County Commissioners if designated on the Cecil County Greenways Plan.
- 2. Intermittent Stream no-disturbance buffer**
 - a.** A twenty-five (25) foot buffer from all intermittent streams as described on the U.S.G.S. 7.5 minute quadrangle maps shall be required for all development. Permanent or temporary stormwater management and sediment control devices shall not be permitted in this buffer.

- b. If the property is located outside of the Cecil County Critical Area District this buffer requirement may be waived by the Cecil County Planning Commission and/or the Office of Planning and Zoning for the following:
 - (1) Road crossings, if disturbance is minimized.
 - (2) Other public or community facilities provided disturbance is minimized in so far as possible.
- 3. Sensitive Soil no-disturbance buffer. The one-hundred ten (110) foot perennial stream buffer shall be expanded to include contiguous hydric soils, highly erodible soils and soils on slopes greater than fifteen percent (15%) to a maximum distance of one-hundred sixty (160) feet.
- 4. Non-tidal Wetland buffer. A twenty-five (25) foot setback from all non-tidal wetlands shall be required for all development around the extent of the delineated nontidal wetland except as permitted by the U.S. Army Corp of Engineers and the State of Maryland, Department of Natural Resources, Non-tidal Wetland Division.
- 5. Steep Slopes.
 - a. No structure or impervious surface shall occur on any slope with a grade of twenty-five (25) percent or more covering a contiguous area of 10,000 square feet or more.
 - b. On slopes between fifteen (15) and twenty-five (25) percent, good engineering practices shall be used to insure sediment and erosion control and slope stabilization before, during and after disturbance activities and to minimize cut and fill.
- 6. Habitats of Rare, Threatened and Endangered Species. Development shall avoid these areas as described by the Maryland DNR, Natural Heritage Program.
- 7. Forest Conservation. All regulated activities defined by the Cecil County Forest Conservation Regulations shall meet all requirements as prescribed herein.

Section 175. Community Sewerage System

- 1. Definitions
 - a. The following terms have the meanings indicated.
 - b. Terms Defined
 - (1) Approving Authority – the local health department.

- (2) Controlling Authority – a governmental body or private utility empowered by the County for management, operation, and continuous preventative and corrective maintenance of a shared facility.
- (3) Shared Facility – a water or sewerage system which serves a minimum of fifteen (15) lots with water or sewer systems located on parcels owned in common by the users or the controlling authority.
- (4) Users – a single family residence, multi-unit, commercial unit, or equivalent of them, which is served by the shared facility.
- (5) Lot – a parcel of land recorded in the office of the Clerk of the Court, or a parcel described by metes and bounds, the description of which has been so recorded.

2. Applicability

- a. A controlling authority shall conform to all State & County laws, ordinances, and regulations.
- b. A controlling authority may purchase, hold, lease, build, construct, own, operate, repair, maintain, and improve a shared facility in the County and enter into contractual agreements with the federal government, the State, or with a municipality, person or individual providing services for a shared facility.
- c. The controlling authority cannot be the approving authority.
- d. The controlling authority may establish, operate, or manage a shared facility if this action does not violate any federal, State, or local law or regulations, and is in compliance with the County water and sewer plan, and would be in the interest of the public health, safety and comfort.
- e. In all cases, the controlling authority and its designee shall be approved by the approving authority, the Maryland Department of the Environment and be designated by the Cecil County Commissioners. This approval shall be conditional upon the financial and ownership requirements as are found necessary to insure continued efficiency and effective operation of the system.
- f. The controlling authority shall make such provisions as are necessary to insure that all sanitary facilities under its control cannot be dissolved or otherwise made legally or functionally inoperative unless the sanitary facilities are replaced by facilities which provide equal or better protection to the public health and that of the users, except when the users no longer require sanitary facilities.

(Amended 8/16/05)

- g.** Any person may apply in writing to a controlling authority requesting the controlling authority to establish and operate a shared facility. It is the intent of this section that all shared facilities approved, established, and constructed hereunder, shall remain in private ownership of the development being serviced by the shared facility unless it is owned and operated by the County.
- h.** The approving authority or the Board of County Commissioners may order the controlling authority to perform repairs or corrections in order to insure proper operation of the shared facility.
- i.** The controlling authority and/or its designee is approved by the approving authority and the Maryland Department of the Environment and shall be appointed by the Cecil County Commissioners to operate the shared facility.
- j.** Developments using shared facilities in the NAR zone shall not exceed a density of 1 unit per 3 acres. Developments using shared facilities in the SAR zone shall not exceed a density of 1 unit per 5 acres. Developments using shared facilities in the SR zone shall not exceed a density of 2 units per acre. Developments using shared facilities in the DR zone shall not exceed a density of 4 units per acre.
- k.** Developments using shared facilities in the NAR and SAR zone shall not encumber more than 30 percent of the gross acreage of the parcel with lots, except for one large lot and any available minor subdivision lots.
- l.** If the controlling authority is not the water and wastewater division of the Department of Public Works, a public works agreement shall be executed prior to recordation for potential upgrades and maintenance to the shared facility. The controlling authority shall maintain and provide to the County upon request detailed inspection logs and maintenance logs.

3. Design

- a.** All shared facilities shall be constructed and operated in accordance with applicable State and local laws and regulations.
- b.** The design of all sewerage treatment and disposal systems operated as a shared facility shall be reviewed and approved by the Maryland Department of the Environment, the approving authority, and the Cecil County Department of Public Works.
- c. Subsurface Disposal**
 - 1.** There shall be an area or areas of land suitable for the subsurface disposal set aside for each dwelling unit or equivalent which is equal to 10,000 square feet for sewage purposed.

2. The land set aside may not have any structures erected upon it.
 3. The land must not be disturbed by earth moving or grading after its approval for use by the approving authority without prior authorization by the approving authority.
 4. A covering or topping such as gravel, asphalt, or concrete, which impedes the growth of vegetation, may not be placed on the land set aside for subsurface disposal.
 5. The suitability of land for wastewater disposal shall be determined in accordance with COMAR 26.04.02 and 26.04.03.
 6. The wastewater flow, by which the sizing of the disposal fields is determined, shall be calculated by adding the flows per individual unit as determined in COMAR 26.04.02.
 7. The land set aside for sewage disposal shall have enough area for the initial disposal field and two replacement fields.
- d. Collection Lines. The collection liens of any shared facility shall be guided by the design guidelines for sewerage facilities which are contained in “design Guidelines for Sewerage Facilities” 1978 Edition (Technical Bulletin M-DHMH-EHA-S001) which is incorporated by reference and be constructed to meet the requirements of the Cecil County Standard Specifications and Details for Water Mains and Sewer Mains. The following shall also apply:
1. All piping, pumps, septic tanks (made of Type II cement) and control equipment shall be capable of withstanding the corrosive effects of anaerobic sewage.
 2. Duplex pumping facilities may not be required for individual home pumping units.
 3. Sewer lines collecting from the entire development should be conventional gravity lines to the extent possible.
 4. The controlling authority’s maintenance responsibility shall end at the sanitary cleanout approximately at the right of way/property line. Homeowners shall be solely responsible for all maintenance of the sanitary house connection, including internal piping or pumping equipment.
- e. Septic Tanks
1. A minimum of two (2) baffled septic tanks shall be provided in the common treatment area, each sized in accordance with COMAR 26.04.02 or 1,250 gallons (effective volume) per equivalent living unit, whichever is greater.

2. Septic tanks shall have two (2) access ports at ground level per tank, which are at least twenty-four (24) inches in minimum dimension, to enable the tank to be inspected and cleaned.
 3. All tanks shall be located so as to be inspected and cleaned.
 4. Septic tanks shall gravity drain, one into the other, and then into the disposal laterals.
- f. The approving authority, with the concurrence of the Maryland Department of the Environment, may grant exceptions to Subsections d and e of the section when, in the opinion of the approving authority, the exceptions will result in improved or equivalent operation, maintenance, or benefits to the public health, and when improved technology determined by the approving authority to be equivalent or an improvement to that specified in Subsections d and e is to be employed.
- g. Water Standards
1. The design of the water treatment and distribution system shall be reviewed by the Maryland Department of the Environment and the approving authority. The design shall meet the requirements of COMAR 26.03.02.03.
 2. To the extent practicable, location of a part or all of the new facility shall be avoided at a site which is subject to earthquakes, floods, fires, or manmade disasters which could cause a breakdown of the public water system or a part of it or if it is within the 100 year floodplain.
 3. A supplier of water using any device employed in the treatment of drinking water shall have the approval of the approving authority before installation of the treatment device.
 4. All shared water systems shall be designed and constructed in accordance with the Department of Public Works' Water and Sewer Standards, including but not limited to curb stops and water meters at the property line.
 5. Design of the shared facility must bear the signature and seal of a professional engineering licensed in the State of Maryland.

Section 176. Provision of Common Open Space

- 1.** Common open space shall be an integral part of all major subdivisions of ten (10) units or more and all Planned Unit Developments. It may be used to:
 - a.** Unify the entire project.
 - b.** Reduce conflicts between incompatible activities and uses.
 - c.** Provide active recreation areas.
 - d.** Provide passive recreation opportunities.
 - e.** Provide for the protection of sensitive natural and/or cultural resources.
 - f.** Provide for the protection of historically significant resources.

- 2.** Common open space (spaces designed and intended for the use and enjoyment of all residents of the development) may contain such complimentary structures, improvements as are necessary and appropriate for the use, benefit and enjoyment of residents of the development. Common open space areas shall meet the following requirements:
 - a.** Be exclusive of road rights-of-way and parking areas.
 - b.** Equal or exceed the percentages of the gross site area required in Article VIII Schedule of Density and Open Space Requirements.

- c. No more than forty (40) percent of the common open space required shall consist of those areas designated as nontidal or tidal wetlands except in the NAR and SAR zones.
 - d. Except in the NAR and SAR zones, at a minimum, fifteen (15) percent of the required open space shall not consist of perennial or intermittent stream buffers, nontidal wetlands or buffers, steep slopes, or habitats of rare, threatened and endangered species.
3. Common open space design shall consider all existing natural and culturally/historically significant man-made features and plan for their protection and enhancement. These include, but are not limited to:
- a. Water courses or bodies and associated floodplain or floodway.
 - b. Rare, threatened or endangered species and associated habitat protection areas needed to ensure species survival.
 - c. Culturally and historically significant sites and/or structures as determined by guidelines established by the Cecil County Planning Commission, Office of Planning and Zoning, and the Maryland Historical Trust.
 - d. Applicants for any new development shall make every possible attempt to locate required open space next to any significant and permanent open space areas on-site or on adjacent or abutting sites.
4. Common open space may serve recreational purposes, preserve significant site features, and preserve open space. The uses authorized shall be appropriate to the purposes intended to be served. Open space designed to serve recreational purposes shall be appropriate to the scale and character of the development, considering its size, density, expected population, and the number and type of dwelling units proposed.
5. Common open space will be suitably improved for its intended use, except that common open space containing natural features worthy of protection may be left unimproved. The buildings, structures, and improvements to be permitted in the common open space must be appropriate to the uses which are authorized for the common space.

Section 177. Common Open Space Requirement

Common open space shall be provided in accordance with Article III and Article VIII.

Section 178. Common Open Space - Ownership

- 1. Private Ownership. If open space areas or facilities are not dedicated to public use,

they shall be protected by legal arrangements, satisfactory to the Planning Commission, sufficient to assure their maintenance and preservation for whatever purpose they are intended. Covenants or other legal arrangements shall specify ownership of the open space, method of maintenance, maintenance taxes and insurance, compulsory membership and compulsory assessment provisions and guarantees that any association formed to own and maintain open space will not be dissolved without the consent of the Planning Commission. Nothing in this Ordinance shall be construed so as to prohibit a homeowner's association from leasing common open space for agricultural purposes and restricting access to common open space to promote agricultural operation.

2. **Public Ownership of Open Space Dedication.** Unless the Planning Commission finds that the size, location, type of development, or cost of development or maintenance of such open space or the availability of public open space would make public use desirable and necessary, open space shall not be made available for the use of all residents of the County. The developer shall dedicate all areas indicated for acquisition in the adopted County Greenways and Open Space and Recreation Plans to the Cecil County Commissioners.

Section 179. Management of Common Open Space Property

1. The developer shall insure that the common open space and improvements not dedicated and accepted for public ownership are maintained and cared for, and the developer shall provide for and establish an organization for the ownership, maintenance and preservation of open space which shall conform to the following standards and procedures:
 - a. The organization shall be established by the developer before sale or rental of lots or dwelling units in the development.
 - b. The financial and organizational structures, rules of membership, and methods of cost assessment of the organization shall be devised to insure the successful fulfillment of the maintenance, preservation and improvement responsibilities of the organization.
 - c. All property owners within the development shall be required to participate in such organization and shall be responsible for maintenance, preservation, and improvement of common open space lands.
 - d. Areas set aside to meet the open space requirements hereof shall be adequately described. Instruments in the form of deed restrictions and/or covenant shall be provided to insure the purpose for which the open space is provided will be achieved. Said instruments shall be approved by the Planning Commission counsel prior to recordation among the Land Records of Cecil County.

Section 180. Bond for Open Space Improvements

Prior to the recordation of a final plat, there shall be delivered by the owner or developer some form of surety acceptable to the County in an amount as specified by the County, or the execution and recordation of a subdivision agreement, which shall be submitted with the final subdivision plat, as described in the Cecil County Subdivision Regulations, which subdivision agreement or surety shall secure an agreement to construct such required physical improvements as identified in any proposed plan of development.

Section 181. Flexibility in Administration Authorized

1. The requirements set forth in this article concerning the amount, size, location, and nature of recreational facilities in connection with residential developments are established by the County as standards that presumptively will result in the provision of that amount of recreational facilities that is consistent with officially adopted County plans. The County recognizes, however, that due to the particular nature of a tract of land, or the nature of the facilities proposed for installation, or other factors, the underlying objectives of this article may be achieved even though the standards are not adhered to with mathematical precision. Therefore, the permit-issuing body is authorized to permit minor deviations from these standards. Nothing in this section shall be construed so as to allow a lesser open space percentage than that required in Article III.
2. Whenever the permit-issuing board authorizes some deviation from the standards set forth in this article pursuant to Subsection 1, the official record of action taken on the development shall contain a statement of reasons for allowing the deviation.

Section 182. Greenways

Any minor subdivision, major subdivision, or site plan proposing development on parcels subject to the Greenways shown on the Greenways and Unofficial Bikeways Map in the Comprehensive Plan, shall dedicate in fee-simple to the Board of County Commissioners the minimum land necessary to accommodate the proposed Greenway. If fee-simple dedication is determined to not be in the best interest of the County, a public access easement in alignment with the proposed Greenway shall be reserved.

Section 183. Reserved

(Amended 9/5/2000 and 3/16/2010)

ARTICLE X LANDSCAPE REQUIREMENTS

Section 184. Landscape Standards

For all Major Subdivisions, Planned Unit Developments (PUD), and commercial and industrial development required to file a "Major Site Plan" as prescribed by this Ordinance, the following shall apply:

1. Landscaping shall be provided as required in Article III.
2. Any landscaped area protected for use in the afforestation or reforestation requirements of the Cecil County Forest Conservation Regulations shall meet the standards outlined in the Cecil County Forest Conservation Regulations for area, size, density and materials.

Section 185. Landscape Plan Required

1. Landscape design and landscape planning shall be guided by an overall landscape plan, which may be approved in sections by the Office of Planning and Zoning, but must follow an overall harmonious theme designed to provide an aesthetically pleasing result.
2. The planting plan must be prepared in coordination with the approved site plan or preliminary and final subdivision plat and shall show the information required for a planting plan found in the Cecil County Forest Conservation Regulations Technical Manual.

Section 186. Street Trees Requirements

1. Along both sides of all newly created streets that are constructed in accordance with the Cecil County street standards, there shall be, parallel to the front property line, a ten foot wide planting easement established on each new lot created for the purpose of permitting the developer, at a minimum, to plant or retain sufficient trees so that, there is for every fifty (50) feet of street frontage at least an average of one deciduous tree that has or will have when fully mature a trunk at least 12 inches in diameter.
2. Street trees shall be included in a Landscape Plan and guaranteed by bond or other means acceptable to the Office of Planning and Zoning and/or the Cecil County Planning Commission.
3. Street trees and planted buffers may count towards the required landscaping percentage as determined by the Planning Commission and/or the Office of Planning and Zoning.

(Amended 3/16/04)

4. Measurement of typical mature crowns of the species utilized shall be used to calculate area required for landscape percentages.

Section 187. Bufferyards

1. Standards for Bufferyard design, where required, are contained in Appendix B.
2. The Office of Planning and Zoning or Planning Commission may require bufferyards to separate different zoning districts from each other in order to eliminate or minimize potential nuisances such as dirt, litter, noise, glare of lights, signs, and unsightly buildings or parking areas, or to provide spacing to reduce adverse impacts of noise, odor, or danger from fires or explosions.
3. As part of the overall site landscaping plan, bufferyards shall be located on the outer perimeter of a lot or parcel, extending to the lot or parcel boundary line. Bufferyards shall not be located on any portion of an existing or dedicated public or private street or right-of-way. Bufferyards shall not be located within a yard required in a townhouse development or planned unit development. No parking shall be permitted within any required bufferyard.
4. A bufferyard may be used for passive recreation or stormwater management. It may contain pedestrian, bike, or equestrian trails provided that:
 - a. The required planting units of the appropriate bufferyard in Appendix B are provided.
 - b. The total width of the bufferyard is maintained.
 - c. All other regulations of the Ordinance are met.
5. Where existing vegetation is to be used to meet the requirements contained herein, the surety requirement may be modified appropriately. However, to the extent that existing vegetation is or will be inadequate to meet the standards set herein, a planting plan meeting all of the requirements herein must be submitted.
6. All plantings shall be inspected by the County upon notification by the developer or owner, and shall be approved according to the following standards:
 - a. The planting shall adhere to the approved plan. Substitutions or revisions may be made with the approval of the Office of Planning and Zoning.
 - b. All plants shall be protected from vehicular encroachment by wheelstops, curbs or other barriers unless distance provides adequate protection.

- c. No planting shall result in vegetative growth exceeding thirty-six (36) inches in height, within thirty (30) feet of any street intersection or otherwise obstruct sightlines.
7. All service structures in attached housing projects shall be fully screened, and all service structures in business or industrial zones shall be fully screened when located within one hundred (100) feet of a public right-of-way or residential zone.
 8. For the purposes of this Article, service structures shall include propane tanks, dumpsters, air conditioning units and condensers, electrical transformers and other equipment or elements providing service to a building or a site.

Section 188. Bonding and Financial Security of Plantings

1. The planting plan shall be accompanied by an estimate of the installation cost for all landscape material.
2. Upon approval of the plan and cost estimate, the developer or owner shall enter into an agreement with the County to provide plantings as required. The agreement shall be in form and substance as approved by the Office of Planning and Zoning and shall be accompanied by a performance bond or other approved surety executed by the owner or developer in the amount of one hundred (100) percent of proposed plant materials, labor and maintenance costs.

The surety shall:

- a. Assure that the bufferyard planting and maintenance is in accordance with the approved planting plan;
- b. Be payable to the Board of County Commissioners for Cecil County;
- c. Be issued by a financial institution authorized to do business in Maryland; and
- d. May not be canceled by the surety, bank, or other issuing entity unless both of the following conditions are satisfied:
 - (1) The Office of Planning and Zoning and the obligee are notified in writing by registered mail of the intent to cancel not less than ninety (90) days prior to the cancellation; and
 - (2) At least forty-five (45) days prior to the cancellation date indicated in the notice, the obligee files a commitment for a surety, bank, or other issuing entity to provide a substitute security which will be effective on the cancellation date indicated in the notice.

3. The person required to provide financial security under this Section may request reduction of the amount of the financial security by submitting a written request to the Office of Planning and Zoning with a justification for reducing the financial security amount, including estimated or actual costs to ensure requirements are met. The amount may be reduced by no more than eighty (80) percent of the initial financial security amount. At the time of the reduction request the person may also change the type of guarantee with the approval of the Office of Planning and Zoning. The request for release of a bond shall follow the schedule outlined below. The release dates given are the earliest dates from which any release may be granted. Releases are not guaranteed and shall reflect the success rate of the planting Plan being inspected.

<u>Plant Date</u>	<u>Partial Release</u>	<u>Full Release</u>
before 5/15	9/15 same year	9/15 following year
5/15 - 6/30	6/1 following year	9/15 following year
after 6/30	9/15 following year	9/15 second year

4. The Office of Planning and Zoning will determine if a lesser amount of financial security is sufficient to cover the costs associated with the planting plan, taking into account:
- (a) number of acres;
 - (b) the proposed methods of planting and maintenance;
 - (c) the cost of planting materials, labor and maintenance replacement;
 - (d) the types of material used; and
 - (e) other relevant factors.
5. If, after the dates for full release given in subsection 3 above, the plantings associated with the planting plan meet or exceed the standards contained in the approved landscape plan, the amount of the cash bond or other financial security shall be released. The full or complete release of the financial security shall follow the procedure below:
- (a) The financial security may be released on receipt of written notice from the Office of Planning and Zoning stating that all the planting requirements have been met.
 - (b) Written notice shall be sent at the end of the required monitoring and maintenance period unless as provided in Subsection 6 below or non-compliance with this Section is determined by the Office of Planning and Zoning.

- (c) If the Office of Planning and Zoning fails to send written notice by the end of the monitoring and maintenance period the financial security shall be automatically released unless as provided in Subsection 6.

6. Forfeiture of Bonding or Financial Security.

- (a) Forfeiture of the bond or financial security may be required if the obligee fails to:
 - (1) implement the planting plan or any element thereof; or
 - (2) implement a correction action necessary to complete or carry-out the planting plan as determined by the Office of Planning and Zoning.
- (b) The Office of Planning and Zoning shall notify the obligee, by certified mail, of the intention of the Office of Planning and Zoning to initiate forfeiture proceedings.
- (c) The obligee has thirty (30) days from the receipt of the notice of forfeiture to show cause why the bond or financial security may not be forfeited.
- (d) If the obligee fails to show cause, the bond or financial security shall be forfeited.
- (e) The Office of Planning and Zoning shall use the forfeited bond or financial security to perform the planting plan.

Section 189. Modification to Bufferyards from Collector or Arterial Roadways

Bufferyards are designed to lessen the impact of new development by providing screening and, as such, are required along collector and arterial roadways in major subdivisions. It is recognized however, that rural character and/or agriculture could be better preserved if the location and/or extent of the bufferyard is modified. Therefore, the Planning Commission may modify the location of the required bufferyards in major subdivisions to maintain open vistas and/or to better screen the new development from the adjacent collector or arterial roadways. The Planning Commission may also reduce or eliminate the bufferyard requirement to the extent that existing site conditions provide for adequate screening of the new development from the adjacent collector or arterial roadways. This section does not apply to bufferyards from agricultural uses.

Section 190. Reserved

(Amended 11/15/94)