

COUNCIL FOR THE TOWN OF INDIAN HEAD

ORDINANCE NO. 4-1-01
INTRODUCED BY Councilman Dennis Scheessele
DATE INTRODUCED April 2, 2001
DATE ADOPTED April 25, 2001
DATE EFFECTIVE May 15, 2001

AN ORDINANCE ADOPTING A REVISED SUBDIVISION ORDINANCE FOR THE TOWN OF INDIAN HEAD, MARYLAND

WHEREAS, Article 66B of the Annotated Code of Maryland provides for the Town Council of Indian Head to adopt rules and regulations involving matters regarding the subdivision and development of land within the town and allows for its comprehensive planning; and

WHEREAS, on November 3, 1997, the Town Council of Indian Head adopted an updated Comprehensive Plan that provides a blue print for the concentration of development in suitable areas, the protection of sensitive areas, direction of growth from surrounding rural areas to the Town's existing population center and to ensure economic growth is encouraged within the Town of Indian Head; and

WHEREAS, to enact the recommendations and suggestions set forth in the Comprehensive Plan, the Town Council of Indian Head desires to adopt an updated revision to the Town of Indian Head Subdivision Ordinance; and

WHEREAS, after a Public Hearing before the Indian Head Planning Commission the recommendation for adoption by the Indian Head Planning Commission, which was duly advertised, and held on November 20, 2000, and a subsequent Public Hearing before the Town Council of Indian Head on March 5, 2001, the Town's Governing Body is empowered to introduce and adopt this ordinance;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of Indian Head, Maryland, that:

Section I. Upon the effective date of this ordinance, it shall become the Official Subdivision Ordinance of the Town of Indian Head, Maryland.

Section II. All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed to the extent of such conflict.

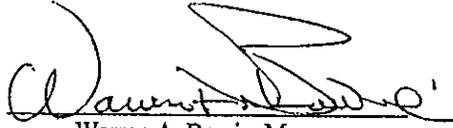
Section III. The applicable schedule of fees may be modified from time to time as necessary by the Governing Body. As of the effective date of this ordinance, the schedule of fees is as follows:

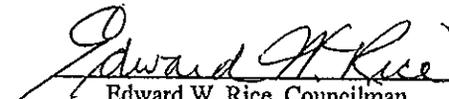
- A. Subdivision Plat Fees
1. Subdivision plats: one hundred dollars (\$100.00) per plat, plus twenty-five dollars (\$25.00) per lot.
 2. Revised plats and minor subdivision plats: same as final plats.
 3. Plan Review: The fee for all PROPOSED improvement plans, including water, sewer, and streets, will be one percent (1%) of the construction costs, limited to a maximum fee of five thousand dollars (\$5,000). These fees will be collectable with submission of plans to the Town for review.

4. Stormwater Management Plans: The fee for reviewing said plans submitted to the Town of Indian Head shall be the total cost incurred by the Town for consultant review of said plans. The Town will require a deposit for review of said plans with the amount determined by the Zoning Administrator with final settlement of cost prior to final plat approval.
5. Forest Stand Delineation & Conservation Plan: The fee for reviewing said plans submitted to the Town of Indian Head shall be the total cost incurred by the Town for consultant review of said plans. The Town will require a deposit for review of said plans with the amount determined by the Zoning Administrator with final settlement of cost prior to final plat approval.
6. Critical Area Plans: The fee for reviewing said plans submitted to the Town of Indian Head shall be the total cost incurred by the Town for consultant review of said plans. The Town will require a deposit for review of said plans with the amount determined by the Zoning Administrator with final settlement of cost prior to final plat approval.

Section IV. This ordinance shall be in full force and effect on the 15th day of May, 2001.

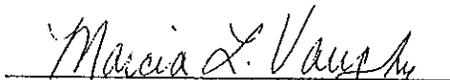
INDIAN HEAD TOWN COUNCIL


Warren A. Bowie, Mayor


Edward W. Rice, Councilman


Dennis J. Scheessele, Councilman

ATTEST:


Marcia L. Vaughn, Clerk of Council

**TOWN OF INDIAN HEAD, MARYLAND
SUBDIVISION REGULATIONS**

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ARTICLE 2 SUBDIVISION REGULATIONS

SECTION 1 POWERS AND PURPOSE

- A. In accordance with Article 66B of the Code of Public General Laws of Maryland, Maryland Planning and Zoning Enabling Act, as amended, the Planning Commission of Indian Head, Maryland, is hereby enabled to regulate the subdivision of land within the corporate limits of the town.

- B. These regulations are enacted to preserve and promote the public health, safety and welfare of the inhabitants of the Town of Indian Head and the public generally, and to encourage and facilitate the orderly growth and expansion of the town.

SECTION 2 JURISDICTION

- A. These rules and regulations shall apply to all subdivisions of land as defined herein, located within the corporate limits of the town of Indian Head. These regulations shall be in addition to any promulgated by any other authority, state or county, and in case of any conflict, the more exacting requirements shall prevail

- B. No land shall be subdivided within the corporate limits of the Town of Indian Head until:
 - (1) the subdivider or his agent shall submit a sketch plat of the parcel to the Planning Commission through the Town Manager or his designated representative.

 - (2) the subdivider obtains approval of the sketch plat and preliminary and final approval of the plat itself by the Planning Commission; and

 - (3) the approved plat is recorded in the land records of Charles County.

SECTION 3 SUBDIVISION REGULATION PROCEDURE FLOW CHART

(See following page)

SECTION 4 PRELIMINARY SKETCH AND CONFERENCE

A. General Information

1. Before undertaking the preparation of a subdivision plat, the subdivider shall have prepared a sketch of the property in question, drawn to approximate scale, showing the boundaries, general topography, important physical features and other significant information, as well as the proposed plan for development of the property, including the proposed street and lot locations, areas to be reserved for public use and proposed improvements.
-

B. Development Plans

1. The subdivider shall then consult with the Town Manager, Planning Commission, and/or its staff to ascertain the location of proposed major streets, highways, parks, playgrounds, school sites and other planned public improvements and to determine the zoning regulations and other requirements relating to, affecting or applying to the proposed subdivision. As required, the subdivider shall also consult with other Town Staff on the proposed street layout and the proposed facilities for sanitary sewage disposal, storm drainage and water supply to serve the proposed subdivision. The purpose of these consultations is to assist the subdivider by furnishing information and advice, in order to expedite matters for the subdivider, save him unnecessary expense and promote the best coordination between the plans of the subdivider and those of the Town. The Town Manager, Planning Commission, or Town Staff shall not undertake to design the subdivision or perform other services for which a qualified planner is better suited.

SECTION 5 THE PRELIMINARY PLAT

A. General Information

1. The preliminary plat of the proposed subdivision shall comply with the following requirements and contain the following information:
 - a. It shall provide all the pertinent information as to existing site conditions, property ownership, and the like, that may be necessary for the Planning Commission to properly consider the proposed subdivision. This information shall be accurate and reliable.
 - b. It shall show the general plan of ultimate development for the property, covering the entire tract of land or so much of it as may be considered to be necessary for an adequate consideration of the part to be subdivided. This information should

be in sketch form, drawn to scale, but need not be engineered or surveyed.

- c. It shall be drawn in pencil at a scale no greater than one inch per 100 feet. This scale may vary in cases where extensive tracts are involved as determined by the Planning Commission.
- d. It shall include a small scale key map showing the location of the property in the town, the location and names of adjacent properties and property owners, adjacent streams or waterways, and the location, names and present widths of adjacent streets and alleys.
- e. The following title information shall be provided:
 - (1) Proposed subdivision name, which shall not duplicate nor closely approximate the name of any other subdivision in the Town.
 - (2) Names and addresses of owner, subdivider or developer, lien holders, and the designer, surveyor, or engineer.
 - (3) Description of subdivision location, by streets, tract, political subdivision, etc.
 - (4) Scale, north point and date.
 - (5) Approval block for Planning Commission use.
- f. The following information as to existing physical conditions shall be provided:
 - (1) Boundaries of the land being subdivided, in heavy outline.
 - (2) Topographic contours, reference to U.S.C.G. Survey Data at five foot intervals except where the average slope is less than three percent, in which case two foot contours will be required. Contours shall extend 100 feet beyond the subdivision boundary except across a public road.
 - (3) Water courses, important trees, wooded areas, buildings, transmission lines, pipe lines, other utilities, bridges, and any other significant physical items, with the sizes and grades of any water or sewer lines.
 - (4) Locations, widths, and names of all existing roads, streets, alleys, or other public ways within or adjoining the subdivision those recorded

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

- (5) Existing zoning of the tract and adjacent properties.
- (6) Location of the Chesapeake Bay Critical Area, location of all habitat protection areas within the Critical Area including the Critical Area Buffer, and designation of current Critical Area land use management classification.

B. Development Plan

1. The Development Plan shall provide information concerning proposed development which shall include:
 - a. Layout, widths, and names of proposed roads, streets, alleys, crosswalks and easements.
 - b. Layout, numbering, and approximate dimensions and area of proposed lots or parcels.
 - c. Parcels of land intended to be conveyed or temporarily reserved for public use or for the joint use of property owners with an explanation of the provisions or conditions of such conveyance or reservation and the proposed arrangements for ownership and maintenance.
 - d. Tentative grade on each street.
 - e. Tentative locations for utilities and drainage facilities, with easements where necessary.
 - f. Proposed building lines along all streets, with the amount of setback indicated.
 - g. Proposed uses of property and any proposed zoning changes.
 - h. Outline of any proposed deed restrictions.
 - i. General description of street and other public improvements proposed to be installed.

C. Improvements Required

1. The minimum improvements that a subdivider will be required to provide and install in a subdivision, or to enter into agreement to provide and install, prior to the approval of the final plat thereof, shall be as prescribed in the following. All such improvements shall conform with the standards, specifications, and other requirements adopted by the Town of Indian Head, or by such other governmental agency as may have jurisdiction over each facility. Nothing, however, shall be construed as prohibiting a subdivider from installing improvements of a higher standard than the minimum required herein. The required improvements shall be completed, inspected, and accepted by the proper authorities prior to the approval by the Planning Commission of the final plat, and its recording; or, in lieu of completing the improvements as required above, the subdivider shall furnish to the Town Council satisfactory bond in an amount sufficient to cover the estimated cost of such improvements, for the purpose of guaranteeing to the town that the subdivider will complete the installation of the improvements within such reasonable limit of time as may be designed by the Town Council in each case.
2. The following improvements shall be provided:
 - a. Roads. All new roads and streets shall be graded and drained, base material applied, curb and gutter constructed where required, surface treatment applied, utilities installed and street name signs erected, all in accordance with the minimum standards of design and construction adopted by the town for acceptance into the town roads system. (See Town of Indian Head Design Manual)
 - b. Water facilities. Every subdivision shall be provided with a community water supply and distribution system and appropriately spaced fire hydrants. The source of supply shall be the Town of Indian Head municipal water system. The local distribution system shall meet the standards for such systems as identified in the Town of Indian Head Design Manual and shall become property of the town without cost to the town and acceptable arrangements, and agreements shall be made by the subdivider with the Town.
 - c. Sewer facilities. Every subdivision shall be provided with a complete sanitary sewer system connected to the Town of Indian Head sewer system. It shall be constructed to meet the standards and requirements as identified in the Town of Indian Head Design Manual and shall become property of the Town, without cost to the Town.

- d. Storm Water Management facilities. Every subdivision of such size as to require stormwater management facilities, shall be provided with a stormwater management system and shall identify the location of all such facilities and proposed drainage easements. Such facilities shall be constructed to meet the appropriate standards for management of storm water quantity and quality established in the Town of Indian Head Design Manual without cost to the town.
- e. Reference monuments. Permanent reference monuments shall be placed as required by the provisions of Article 17 of the Annotated Code of Maryland (1957), as amended. Such permanent reference monuments shall be stone or concrete at least 36 inches in length and four inches square with suitable center point and shall be set flush with the ground and to finish grade. A metal pipe three-quarter inches in diameter and 24 inches in length shall be located in the ground at all intersections of streets; intersections of streets and alleys with plat boundary lines; and at all points on street, alley and boundary lines where there is a change in direction or curvature and at all lot corners. Monuments are to be in place when grading is completed.
- f. Utilities. In all subdivisions in residential and commercial zones, all utility lines, including telephone, electricity and cable television shall be installed underground.

SECTION 6. IMPROVEMENT PLANS

A. Improvements.

Plans for the foregoing improvements shall be prepared for approval by the appropriate public authorities prior to construction. All construction work on improvements required herein shall be subject to inspection and approval by the Town during and upon completion of construction. No final plat shall be approved or recorded until all required improvements shall have been satisfactorily completed and accepted in compliance herewith, or satisfactory bond posted; and no such bond shall be released until all improvements secured by such bond have been completed and accepted in compliance herewith. Plans shall show the proposed locations, sizes, types, grades and general design features of each facility, including the following:

1. Profile of each street centerline with grades (including projections beyond the subdivision boundaries where significant), and showing water and sewer lines, manholes, culverts, streams, etc. Scale: one inch to 100 feet or less horizontal, one inch to ten feet or less vertical.

2. Typical street cross-sections for all streets, at a scale not smaller than one inch to five feet, showing width of roadway, type of paving locations and widths of curbs, sidewalks, streets, utilities, etc. Where considerable cuts or fills are required, special cross-sections shall be prepared to show proposed grading, and their locations shall be shown on the plan. A grading plan showing existing and proposed contours may be furnished in lieu of cross-sections.
3. Location plans and profiles for all proposed stormwater management facilities including proposed wastewater treatment and collection facilities.
4. Location plan of proposed water distribution system showing pipe sizes and locations for valves and fire hydrants.
5. Where appropriate, a site plan showing location of shade trees of a species as approved by the Planning Commission.
6. Where appropriate, a plan for upgrading existing roads within the planned subdivision shall be presented.

B. Design Standards

1. The subdivision layout shall conform in all essential respects to the Transportation Plan and other aspects of the adopted Comprehensive Plan for the Town.
2. The subdivision layout shall be in full compliance with the provisions of the zoning districts in which it is located.
3. The subdivision layout shall be designed in accordance with the principles and standards contained in this section with the objectives of achieving development of the subdivision that is not advantageous to the future residents of the subdivision and adjoining areas.
4. Suitability of land.
 - a. Land subject to periodic flooding shall not be subdivided for residential occupancy nor for any other use which might involve danger to health, life or property or aggravate the flood hazard, and such land within any proposed subdivision shall be reserved for uses which will not be endangered by periodic or occasional inundation.
 - b. A plat for the subdivision of land with poor drainage or other adverse physical conditions will be considered for approval only if the subdivider shall agree to make whatever improvements are necessary, in the judgment

of the Planning Commission, to render the land safe and otherwise acceptable for development.

- c. When the proposed subdivision, or portions thereof, are located in the Chesapeake Bay Critical Area, the proposed layout and location of improvements shall comply with criteria for development within the Critical Area as defined in Article IX, Part III of the Town of Indian Head Zoning Ordinance.
- d. All portions of a tract being subdivided shall be taken up in lots, streets, public lands, or other proposed uses, so that remnants and landlocked areas shall not be created.

5. Street layout.

- a. The street layout shall be designed to create desirable building sites while respecting existing topography, minimizing street grades, avoiding excessive cuts and fills and preserving trees to the maximum extent possible.
- b. Streets shall be spaced to allow for blocks meeting the dimensional requirements contained herein and to minimize the number of intersections with existing or proposed major thoroughfares.
- c. Where the subdivision adjoins or embraces any part of an arterial route as designated in the Comprehensive Plan, the layout of such subdivision shall provide for the platting and dedication of such part of the major thoroughfare in the location and at the width indicated on such plan.
- d. Wherever deemed desirable to the layout of the subdivision and adjoining areas, the Planning Commission may require the platting and dedication of one or more collector streets, or parts thereof, to serve the subdivision.
- e. Minor residential streets, intended primarily for access to individual properties, shall be so arranged as to discourage their use by through traffic.
- f. Streets shall be laid out to intersect one another at as near to right angles as topography and the limiting factors of good design will permit, and no street shall intersect another street at an angle of less than 60 degrees.
- g. Proposed streets in the subdivision shall provide for the continuation of existing, planned or platted streets on adjacent tracts, unless such continuation shall be prevented by topography or other physical condition or unless such extension is found by the Planning Commission to be

unnecessary for the coordination of development between the subdivision and such adjacent tract.

h. Where the Planning Commission deems it desirable or necessary to providing access to adjacent tracts not presently subdivided, proposed streets in the subdivision shall be extended to the boundary lines with such adjacent tracts, and temporary turnarounds shall be provided at the ends of such streets by means of temporary easements or otherwise.

i. Reducing impact of heavy traffic.

Where the subdivision abuts or contains an arterial/route as designated in the Comprehensive Plan, the Planning Commission may require that measures be taken to reduce the impact of heavy traffic on the residential lots abutting or fronting upon such highway and to afford separation of through and local traffic. The choice of the most appropriate method of accomplishing the desired purpose in a specific instance shall be made by the Planning Commission, giving consideration to topography and other physical conditions, the character of existing and contemplated development in the subdivision and its surroundings and other pertinent factors.

j. Where land in the proposed subdivision adjoins a railroad line, the street layout shall make allowance for future grade-separated railroad crossings at appropriate locations by providing extra street right-of-way widths for such crossings and by restricting intersecting streets at locations where they would cause interference with the necessary approaches to such crossings.

k. Cul-de-sac streets, generally not exceeding 300 feet in length, shall be permitted only where they are necessitated by topographic conditions or where, in the judgment of the Planning Commission, they are appropriate to the type of development contemplated.

l. Alleys shall be provided in commercial areas, unless adequate access to parking and loading areas is provided by other means.

m. Half streets will be prohibited, except where they are essential to the reasonable development of the proposed subdivision in conformity with the other requirements of these regulations and where the Planning Commission finds that it will be practicable to require dedication of the remaining half when the adjoining property is subdivided. Wherever a half street adjoins the proposed subdivision, the remaining half of the street shall be platted within such subdivision.

n. Private streets will not be permitted in any proposed subdivision.

6. Street design.

a. Minimum right-of-way widths shall be as defined in the Town of Indian Head Design Manual as follows:

- | | | |
|-----|------------------|---|
| (1) | Arterial | 100 feet |
| (2) | Collector Street | 60 feet |
| (3) | Local Street | 50 feet |
| (4) | Service Road | 60 feet (for non-residential development) |
| (5) | Alleys | 16 feet |

b. Minimum roadway widths shall be as defined in the Town of Indian Head Design Manual as follows:

- | | | |
|-----|------------------|---|
| (1) | Arterial | 48 feet |
| (2) | Collector Street | 36 feet |
| (3) | Local Street | 32 feet |
| (4) | Service Road | 36 feet (for non-residential development) |
| (5) | Alleys | 12 feet. |

c. Culs-de-sac. Culs-de-sac streets shall have a circular turnaround of not less than 100 feet in diameter to the street line and with a roadway of not less than 80 feet in diameter, unless the Planning Commission approves a T- or Y-backaround.

d. Street grades.

- (1) Street grades shall not exceed five percent for Arterial and collector streets and eight percent for local streets, service roads and alleys, except that the Planning Commission may permit a variation of not greater than two percent from these maximums where topographic conditions warrant.
- (2) Street grades shall be not less than one-half of one percent at the gutter.
- (3) All changes in street grades of more than one percent shall be connected by vertical curves with a minimum length of 50 feet or 15 times the algebraic difference in the change in grade, whichever is greater.

- e. Curvature. The radius of curvature on the center line shall be not less than 400 feet for Arterial highways, 300 feet for collector streets and 100 feet for local streets, service roads and alleys. Between reversed curves, either of which has a radius of less than 100 feet, there shall be a tangent section at least 100 feet in length.
- f. Intersections. Layout of intersections shall be consistent with standards established in the Town of Indian Head Design Manual. The design of the intersection shall provide clear sight distance for oncoming vehicles, and there shall be a suitable leveling of the street grade within and approaching the intersection.
- g. Sidewalks and Curb and Gutters. Concrete sidewalks and curb and gutters shall be provided along both sides of all proposed streets in the subdivision unless by the Planning Commission. Their construction shall be consistent with the standards established in the Town of Indian Head Design Manual.
- h. All streets shall be constructed in accordance with standards and requirements established in the Town of Indian Head Design Manual.

7. Blocks.

- a. Residential blocks shall normally not exceed 1,300 feet in length, nor be less than 500 feet in length, between street lines. In any residential block more than 800 feet in length, a crosswalkway of not less than ten feet in width may be required where necessary to provide convenient access to schools, playgrounds, shopping centers and other community facilities.
- b. Residential blocks shall normally be of sufficient width to provide two tiers of lots of appropriate depth.
- c. Blocks for business or industrial use shall be of such length and width as may be necessary to serve their prospective use, including making adequate provision for off-street parking and for the loading and unloading of delivery vehicles.
- d. Irregularly shaped blocks indented by culs-de-sac or looped streets and containing interior parks or playgrounds will be acceptable when they are properly designed, including making provision for adequate parking and for the maintenance of the public or joint-use recreation area.

8. Lots.

- a. The lot arrangement, design and orientation shall be such that all lots will provide satisfactory building sites, properly related to topography and the character of surrounding development.
- b. The dimensions and areas of all lots shall comply with the requirements of the zoning districts in which they are located.
- c. Excessive lot depth in relation to lot width shall be avoided. A ratio of depth to width of two to one shall be considered a desirable maximum.
- d. Corner lots shall have extra width to permit appropriate building setback from both streets in accordance with the zoning regulations.
- e. Every lot shall abut upon and have access to a public street.
- f. Double frontage and reverse frontage lots shall be avoided, except where their use is essential to overcoming special topographic problems or to separating residential development from heavy street traffic.
- g. Residential lots fronting or abutting on arterial or collector shall have extra lot depths and deeper building setbacks.
- h. Lots adjoining a railroad line shall have extra lot depth and shall provide for an appropriate means of buffering such lots from such railroad line.
- i. Insofar as possible, side lot lines shall be substantially at right angles or radial to the street line, except where a variation to this requirement will provide an improved street and lot layout.
- j. The size and shape of lots intended for single-family residential use shall be sufficient to permit the ultimate provision of a garage on each lot, except that the Planning Commission may permit the grouping of garages into a compound serving several such lots.
- k. Building restriction lines shall be shown on the plat along each street at least as required in each case by the applicable zoning regulations. The locations of these lines shall be clearly indicated by dimensions.
- l. Lots shall not, in general, derive access exclusively from an arterial street. Where driveway access from an arterial street may be necessary for several adjoining lots, the Planning Commission may require that such lots be served by a combined access drive in order to limit possible traffic hazards.

9. Easements.

- a. Where alleys are not provided in appropriate locations, easements of not less than ten feet in width shall be provided where necessary to meet public utility requirements. Easements of greater width may be required along lot lines or across lots where necessary for the extension of trunk sewers or other primary utility lines.
- b. Where a proposed subdivision is traversed by any stream, watercourse or drainageway, the subdivider shall make adequate provision for the proper drainage of surface water, including the provision of easements along such streams, watercourses and drainageways.
- c. Utility easements in private rights-of-way or in joint-use recreation areas may be permitted at the discretion of the Planning Commission, if the design considerations of the proposed subdivision warrant such easements.
- d. No building or structure shall be constructed on any easement without the written authorization of the Town.

10. Public sites and open spaces.

- a. Where the proposed subdivision includes lands proposed for use as parks, playgrounds, playfields, public landings or school sites under the Comprehensive Plan, the subdivider shall indicate the location of such lands on the subdivision plat and shall either dedicate such lands or shall reserve the right of purchase of such lands by the appropriate jurisdiction for the time period specified herein. Should the reserved lands not be purchased by the appropriate jurisdiction within the specified time limit, the subdivider shall be free to market such lands for an alternate purpose, as specified on the approved subdivision plat.
- b. Park, playground and playfield sites shall be reserved for a period of two years from the date of recording the subdivision, and school sites shall be reserved for four years from such date. The reservation shall give the appropriate agency the right to purchase such land at the appraised raw land value plus one-half the cost of surface improvements on any streets that are contiguous to the site.
- c. Where deemed essential by the Planning Commission upon consideration of the type of development proposed in the subdivision, the subdivider may be required to dedicate other areas or sites of a character, extent and location suitable to meeting the needs of such development. In lieu of dedicating such

additional areas, they may be reserved for the common use of all property owners in the proposed subdivision through deed restrictions.

11. Grading and sediment control.

- a. No person shall do any grading, stripping, excavating or filling of land or create borrow pits, spoil areas, quarries, material processing facilities or any other facility without first obtaining a grading permit from the Town, except as provided for in this Section.
- b. Nothing set forth in this Section shall be construed to be in conflict with paragraph 8-1101 et seq. of the Natural Resources Article of the Annotated Code of Maryland.
- c. Subject to compliance with paragraph 8-1101 et seq. of the Natural Resources Article of the Annotated Code of Maryland, relating to sediment control plan approval by the Charles Soil Conservation District, a grading permit shall not be required for the following:
 - (1) An excavation below finished grade for basements and footings of a building, for retaining walls or for similar structures attendant to the principal building authorized by a valid building permit. The resulting fill shall:
 - (a) Not be placed on a surface having a slope steeper than 20 feet horizontal to one foot vertical (five percent grade).
 - (b) Not impair existing surface drainage, constitute a potential erosion hazard or act as a source of sedimentation to any adjacent land or watercourse.
 - (c) Have no final slopes steeper than one foot vertical to three feet horizontal.
 - (d) Have all disturbed areas promptly seeded or sodded as soon as the season permits.
 - (2) An excavation which:
 - (a) Is less than four feet in vertical depth at its deepest point, as measured from the natural ground surface.
 - (b) Does not result in a total quantity of more than 100 cubic

yards of material on any lot, parcel or subdivision thereof.

- (c) Does not impair existing surface drainages, constitute a potential erosion hazard or act as a source of sedimentation to any adjacent land or watercourse.
- (d) Has no final slopes steeper than one foot vertical to three feet horizontal.
- (e) Has all disturbed areas promptly seeded or sodded as soon as the season permits.

(3) A fill which:

- (a) Is less than four feet in vertical height at its deepest point, as measured from the natural ground surface.
- (b) Is placed on a surface having a slope not steeper than five feet horizontal to one foot vertical.
- (c) Does not exceed a total of 100 cubic yards of material on any lot, parcel or subdivision thereof.
- (d) Does not impair existing surface drainage, constitute a potential erosion hazard or act as a source of sedimentation to any adjacent land or watercourse.
- (e) Has no final slopes steeper than one foot vertical to three feet horizontal.
- (f) Has all disturbed areas promptly seeded or sodded as soon as the season permits.

(4) Accepted agricultural land management practices, such as plowing, and nursery operations, such as the removal and/or transplanting of cultivated sod, shrubs and trees and tree cutting at or above existing ground, leaving the stump, ground cover and root mat intact.

(5) The stockpiling, with slopes at a natural angle or repose, of raw or processed sand, stone and gravel at quarries, concrete, asphalt and material processing plants and storage yards, provided that approved sediment and erosion control measures have been employed to protect against off-site damages.

- (6) Refuse disposal areas or sanitary landfills operated and conducted in accordance with the requirements, rules and ordinances adopted by the Town of Indian Head and the State of Maryland. Exemption from permit requirements, however, does not exempt these projects from other aspects of this Section, including inspection as covered in other parts of this Section.
 - (7) Grading and trenching for utility installations within:
 - (a) Highway rights-of-way.
 - (b) Utility easements immediately adjacent to road or street rights-of-way or in the space on abutting lot(s) needed to accommodate the respective house connections; provided, however, that all grading or trenching involved does not disturb the natural contour and that if, during the course of utility operations, any erosion and sediment control measures previously in place are disturbed or destroyed, the utility company shall restore or repair such measures to their original condition.
 - (8) Grading as a maintenance measure or for landscaping purposes on existing developed lots or parcels, provided that:
 - (a) The aggregate of area(s) effected or bared at any one time does not exceed 3,000 square feet.
 - (b) The grade change does not alter the drainage pattern.
 - (c) All bare earth is promptly seeded, sodded or otherwise effectively protected from erosive actions.
 - (d) The grading does not involve a quantity of material in excess of 100 cubic yards.
 - (9) The construction of single-family residences and/or their accessory buildings on lots of two acres or more.
- d. Hazardous conditions. If the Town determines that an excavation, embankment or fill created after the effective date of this Section endangers or adversely affects the safety or stability of any public or private property, as determined from the guidelines of this Section, said Town shall promptly notify, in writing, the owner or other person in control of the property upon

which said condition exists. If the correction is not commenced in accordance with the provisions of this Section within the period of time specified in said notice, the owner or person in control shall be subject to the penalties set forth in this Section.

e. Permit requirements.

(1) Prior to the issuance of a grading permit, an applicant shall have submitted to the Town of Indian Head the following:

(a) An application and plan, including specifications and timing schedules. There should be submitted six copies. The requirements for the application and plan are set forth in the Sections which follow. Separate application shall be required for each grading permit. Plans, specifications and timing shall be submitted with each application for a grading permit. The permit, when issued, shall allow the applicant to make the improvements according to the application and plan submitted. Accepted modifications may be made as covered later in this Section.

(b) The fee for administration and inspection paid to the Town of Indian Head as covered later in this Section.

(2) Nothing in this Section shall affect the responsibilities of the Department of Water Resources under Section 8-1101 et seq. of the Natural Resources Article of the Annotated Code of Maryland.

(3) Bond will be required as set forth later in this Section.

(4) Permits issued pursuant to this Section do not relieve the owner of responsibility for securing required permits for work to be done which is regulated by any other applicable code, act or county ordinance. This Section shall not preclude the inclusion in such other permit of more stringent regulations or requirements concerning the grading of land.

f. General Plan Format.

(1) The plan shall show the following:

(a) The proposed area of development.

- (b) The proposed grading to be accomplished.
 - (c) The necessary provisions for drainage, erosion and sediment control and vegetative establishment.
- (2) The plan shall provide for erosion and sediment control measures throughout all phases of development.
- (a) Phase I: stripping and/or clearing.
 - (b) Phase II: rough grading and construction.
 - (c) Phase III: final grading and vegetative establishment.
 - (d) Phase IV: maintenance.
- (3) A proposed time schedule of the hereinbefore-mentioned phases shall be submitted with the plan.
- g. Minimum application data. The plans and specifications accompanying the grading permit application shall contain information and data described below, subject to the provisions that the Town may waive the filing of particular information if, in its judgment, such information would serve no useful purpose for the particular project and not contravene the purpose of this Section.
- (1) A vicinity sketch in such detail that the property may be easily found by the inspector. North arrow and scale shall be indicated.
 - (2) boundary line survey of the site for which the permit is sought and on which the work is to be performed. On approved and recorded subdivision lots, a copy of the recorded plat will be submitted.
 - (3) A plan of the site at a scale of not less than one inch to 100 feet, showing:
 - (a) The name, address and telephone number of the owner, developer and petitioner.
 - (b) A timing schedule and sequence indicating the anticipated starting and completion dates of the development sequence and the time of exposure of each area prior to the completion of effective erosion and sediment control measures.

- (c) The estimated total cost of the intended construction, together with the estimated cost of the grading and/or filling, and the cost shall be reviewed and verified by the Town.
- (d) The location of any buildings or structures, utilities, sewers, water and storm drains on the site where the work is to be performed.
- (e) The location of any building or structure on land of adjacent property owners which is within 100 feet of the site.
- (f) Elevations, dimensions, location, extent and the slope of all proposed grading, including building and driveway grades, utilities, sewer, water and storm drains, all clearly indicated with finished contours at the same intervals as required or used for existing topography.
- (g) An estimate by professional engineer or professional land surveyor of the quantity of excavation and fill involved.
- (h) Adequate plans of all drainage provisions, erosion and sediment control measures or other protective devices to be constructed in connection with or as part of the proposed work, a map showing the drainage area of land tributary to the site and estimated runoff from the area served by any drains. Complete storm drainage studies shall be submitted for the site if not previously submitted as required by subdivision regulations.
- (i) A grading plan for borrow pits, quarries and material processing facilities, which will be based on the findings and evaluations of the soil investigation report.
- (j) An appropriate legend.
- (k) A 100 foot adjacent peripheral strip and existing topography at a contour interval as follows:
 - (1) Where the site and peripheral strip contain grades which average three percent or less, contours must have at least a one-foot interval.
 - (2) Where slopes on the site and its peripheral strip

average over three percent through and including 15 percent contours must have at least two-foot intervals.

- (3) Where the grade on the site and its peripheral strip average more than 15 percent contours must have at least five-foot intervals.
- (l) Such supplemental reports, data and/or additional information required to ensure the adequacy of the proposed plan. Such reports, data and/or additional information may require that the following be prepared by a professional engineer employed by or under contract with the permittee.
- (4) The professional engineer's recommendation to guide the design, construction and inspection of the proposed facility. The following shall be considered by the professional engineer in his recommendation:
 - (a) Cleaning, grubbing, stripping, keying and undercutting for the acceptance of fill.
 - (b) Compaction requirement for all classes of fill.
 - (c) Allowable slope angle and bench requirements for cut and fill slopes.
 - (d) Allowable soil pressure for foundations on natural ground and/or fills.
 - (e) Erosion control during construction (temporary) and during the life of the facility (permanent).
 - (f) Groundwater control during construction (temporary) and during the life of the facility.
 - (g) Testing and inspection requirements to ensure conformance with this Section.
 - (h) Pavement design if included in the project.
 - (i) The location and handling of excess borrow and/or spoil material and restoration of borrow pits and/or spoil area.

- (5) A record of field observations, field test data, laboratory test data and project characteristics upon which the professional engineer's recommendations were based.
- h. Plan referral. Prior to issuance of a grading permit, copies of the plan shall be referred by the Town to the Charles Soil Conservation District for approval of the proposed erosion and sediment required. Where necessary, the Soil Conservation District will also serve as a technical authority on erosion and sediment control. The Soil Conservation District will notify the Town of its recommendations and/or approval so that the recommendations may be reviewed and the permittee notified of the recommendations and/or approval in a timely manner.
- i. Modifications of plan. Major modifications of the approved grading plans shall be submitted to the Town and reprocessed in the same manner as the original plan. Field modifications of a major nature may be authorized by the Town, provided that written authorization is given to the person performing work pursuant to this Section, with copies forwarded to the Soil Conservation District.
- j. Fees.
- (1) The permit and inspection fee as established by the Town of Indian Head shall be paid to the Town of Indian Head.
- (2) The fee for a grading permit authorizing additional work as set forth in plan modifications shall be the difference between the fee paid for the original permit and the fee required for the entire grading and sediment control project.
- k. Bonds.
- (1) A grading permit shall not be issued for grading involving the exposing of more than 1,000 cubic yards or 30,000 square feet of ground surface unless the permittee shall first post with the Town a performance bond, executed by the owner and a corporate surety with authority to do business in this state as a surety. The bond shall be in a form approved by the Town for the total estimated cost of the erosion and sediment control and stabilization work authorized by the permit. Said estimated cost shall be that which is approved by the Town on consultation with the Soil Conservation District after reviewing the cost estimates proposed by the applicant's professional engineer, land surveyor or architect.

- (2) The bond shall include the following provisions:
 - (a) the applicant shall comply with all of the provisions of this Section and all other applicable laws and ordinances.
 - (b) the applicant shall comply with all of the terms and conditions of the grading permit.
 - (c) Any extension of completion time shall not release the applicant or surety on the bond.
 - (d) Upon default, the applicant and surety shall continue to be firmly bound under a continuing obligation for payment of one of the following, at the election of the surety:
 - (1) All costs and expenses necessary to complete the work in accordance with the approval plans and specifications, or any approved modification thereof.
 - (2) All necessary costs and expenses or liabilities which may be incurred to stabilize in accordance with a stabilization plan for erosion control presented by the surety to and approved by the Town Manager; or
 - (3) Payment of the full amount of the fund to the Town of Indian Head to perform the work necessary. If the cost for restoration of the site to meet the minimum requirements of this Section, with particular emphasis on stability, safety, drainage and erosion control, exceeds the amount of the bond, the permittee shall continue to be firmly bound under a continuing obligation for payment of all excess costs and expenses incurred by the Town.
- (3) The bond shall remain in full force and effect until the completion of the work to the specifications required. If all work of the permit is not completed within the time specified therein or as otherwise modified, or violates any other term or condition, payment in full to the Town of Indian Head may be ordered. The funds so received shall be used by the Town for defraying the cost of restoration of the site. After default, the bonding company shall come in and get the work done (either finish the project or stabilize it). Upon assurance

of a certificate of completion, the bond shall be released.

1. Other security.

(1) In lieu of a performance collateral bond, the applicant may file with the Town, to be deposited with the Clerk-Treasurer, a cash deposit or certified check in the amount which would be required by a performance bond. Upon satisfactory completion of the work specified in the grading permit, any unused portion of a cash deposit shall be refunded to the applicant.

(2) In lieu of a performance collateral bond, a public utility franchised by the General Assembly of Maryland to operate in Charles County may submit a letter of guaranty in a form approved by the Town Manager.

m. Authority of permit. The issuance of a grading permit shall constitute an authorization to do only the work set forth in the application for the permit or in the site plans and specifications submitted and approved as part of the application. All work performed by the person to whom the permit is issued or by his successor shall be in accordance with the requirements of this Section. Application for a permit shall include the implied right of entry for restoration of the site upon default.

n. Failure to complete work. If at any time the Town finds that all work of the permit is not completed within the time specified therein or as otherwise provided for in this Section violates any other term or condition, the cash deposit shall be forfeited or, if a bond has been posted, payment in full to the Town of Indian Head will be ordered. The funds so received will be used by the Town for defraying the cost of contracting, including engineering and administration, for the restoration of the site to meet the minimum requirements of this Section with particular emphasis on stability, pollution, safety and erosion control.

o. Floodplains. If the land area for which the grading is proposed lies within the 50-year floodplain of any stream or watercourse the Town shall deny a grading permit or grading within said area regulated by the Subdivision Regulations of the Town of Indian Head unless such grading is authorized by permit by the Department of Water Resources in accordance with its rules and regulations.

p. Conditions of approval. In granting any permit pursuant to this Section, the Town may impose such conditions as may be reasonably necessary to prevent creation of a nuisance or unreasonable hazard to persons or to public or

private property. Such conditions may include but need not be limited to the following:

- (1) Improvement of any existing grading to meet the standards required under this Section for new grading and for sediment control.
- (2) Designation of easements for drainage facilities and for the maintenance of slopes or erosion control facilities.
- (3) Adequate control of dust by watering or other control methods acceptable to the Town and in conformance with applicable air pollution ordinances.

q. Time limits.

- (1) The permittee shall fully perform and complete all of the work required to be done pursuant to the grading with the time limit specified in the grading permit.
- (2) Where the applicant is unable to complete the work within the specified time, within 30 days of the expiration of the permit he shall present, in writing, to the Town a request for an extension, and where, in the sole discretion of the Town, such an extension is warranted, it may grant an additional time.
- (3) If operations cease for a period of 90 consecutive days, permanent erosion and sediment control measures must be employed as set for later in this Section.
- (4) All permits issued for sand, gravel or clay pits and rock quarries or any other mining or material processing operations involving excavation and/or stockpiling of soil, rock or other materials shall lapse one year after termination of active, productive (i.e., actually removing material, whether sold at a profit or not and whether stockpiled or sold) and continuous operations as determined by the Town. Said permits shall be reviewed annually by the Town for compliance in accordance with the approved grading plan. If active, productive and continuous operations are not conducted on the site within 90 days of the issuance of said permit, the Town shall require the erosion and sediment control measures as set forth in these regulations.

r. Liability. Neither the issuance of a permit under the provisions of this

Section, nor the compliance with the provisions hereto or with any condition imposed by the Town here-under shall relieve any person from any responsibility for damage to persons or property, including public utilities or services, otherwise imposed by law nor impose any liability upon the Town for damage to persons or property.

- s. Responsibilities of permittee.
 - (1) During grading operations, the permittee shall be responsible for the prevention of damage to any public utilities or services within the limits of grading and along any routes of travel of equipment. The Town of Indian Head shall not be responsible for damage to properties for failure of any work done pursuant to this Section.
 - (2) No person shall grade on land so close to the property line as to endanger any adjoining public street, sidewalk, alley or any other public or private property without supporting and protecting such property from settling, cracking or other damage which might result. Grading can take place on adjacent property if grading rights are secured from the property owner. Storm drains must terminate in an acceptable outfall.
- t. Removal of debris. No debris is to be deposited in floodplains, watercourses, public streets, highways, sidewalks or other public thoroughfares, and the permittee shall promptly remove all soil, miscellaneous debris or other materials spilled, dumped or otherwise deposited in floodplains or thoroughfares during transit or operation.
- u. Maintenance of protective measures. The owner of any property on which grading or other work has been done pursuant to the provisions of this Section, or any other person, firm or corporation in control of such property, shall maintain and/or promptly repair or restore all graded surfaces, erosion control measures, vegetative and/or other protective measures if disturbed or destroyed during the course of operations. Such repair and/or restoration shall be in accordance with the approved plans and specifications as required by this Section until permanent measures are accepted by the Town.
- v. Basic design standards. All grading plans and specifications shall include the following terms and conditions:
 - (1) The development shall be fitted to the topography and soils so as to create the least erosion potential.

- (2) The natural vegetation shall be retained and protected wherever possible.
 - (3) Only the smallest practical area shall be exposed for the shortest practical period of time.
 - (4) Erosion control practices, such as interceptor ditches, beams, terraces, contour ripping, soil erosion checks and sediment basins, shall be installed to minimize soil and water losses.

 - (5) Temporary vegetation and/or mulching shall be used to protect critical areas exposed during the time of development.
 - (6) During and after development, provisions shall be made to effectively accommodate the increased runoff caused by changeable soil and surface conditions and not cause siltation of the receiving stream.
 - (7) Permanent vegetation and structures shall be installed in the development as soon as the season permits.
- w. Steep slopes. In order to prevent abnormal or excessive grading, the following additional requirements shall pertain to those areas where steep slopes exist:
- (1) All roads and streets shall be placed as close to the contour as possible to minimize cutting or filling.
 - (2) The construction of all structures shall be preceded by the installation of storm drainage system(s) and stabilization measures.
 - (3) In the case of a single lot development within such areas where no central storm drainage system exists, runoff from driveways, roofs and other improved surfaces shall be diverted and carries to an acceptable outlet by one or a combination of the following methods: filtration beds, subsurface dry wells, storm drainage systems and/or underground conduit systems or other adequate or protected outlets.
 - (4) The extent of cutting and filling that will be permitted on any lot will be based on the soil conditions at the site and as determined by the Town upon recommendation of the Soil Conservation District or the Department of Water Resources. Construction on piling and/or supports shall be permitted.

x. Vegetation. Vegetation erosion and sediment control measures shall include but not be limited to the following:

(1) Temporary vegetative stabilization. Areas where grading or cutting and filling operations are carried out in several stages that expose soil for prolonged period of time (up to one year) to erosion shall be temporarily stabilized by seeding. The necessary steps to be followed to attain an adequate erosion control coverage with temporary seeding shall be as follows:

- (a) Necessary erosion control practices.
- (b) Seedbed preparation.
- (c) Lime and fertilizer, as required.
- (d) Seeding.
- (e) Mulching and mulch anchoring, as required.

(2) Temporary mulch stabilization. The necessary steps to attain effective erosion control with mulch for short periods of time (less than six months) shall be as follows:

- (a) Necessary erosion control practice.
- (b) Mulching placed on a friable soil.
- (c) Mulch anchoring, as required.

(3) Mulching final grade. The necessary steps to protect soil from erosion after final grading where permanent seeding is delayed until the next season shall be as follows:

- (a) Installation of erosion control practices as previously provided or required.
- (b) Application of required lime and fertilizer.
- (c) Preparation of final seedbed.
- (d) Mulching, as required.

- (e) Mulch anchoring, as required.
- (f) Permanent seeding shall be established during the first season following mulching.

(4) Permanent vegetative stabilization. Adapted grasses, legumes and other plants are available for stabilizing exposed areas. The final choice of species should be determined by considering such factors as adaptability to climate, soils, terrain and degree of maintenance. Steps necessary to establish permanent vegetative stabilization are as follows:

- (a) Install required erosion control practices.
- (b) Apply required lime and fertilizer.
- (c) Prepare adequate seedbed.
- (d) Seed or sod.
- (e) Apply mulch and anchor for seed and anchor for sod.

y. Structures. Structural erosion and sediment control measures shall include but not be limited to the following:

- (1) Diversions. The number of diversions and the physical extent and spacing is dependent upon the land slope, soil and runoff. The surface runoff shall be collected and conveyed laterally along the diversion at nonerosive and nonscouring velocities and discharged into a protected area or outlet channel.
- (2) Bench terraces.
- (3) Outlet channels. Outlet channels are constructed for the disposal of storm runoff from diversions, bench terraces and other structures. The design is based upon the runoff from predicted storm frequency and includes the vegetative or structural measures required to protect the channel from scour and erosion.
- (4) Waterway stabilization structures. Structural devices such as drop structures, grade stabilization structures and channel liners should be utilized to dissipate the energy of flowing water by holding the waterway slopes and velocities within nonscouring limits.

- (5) Channel bank stabilization. Channel bank stabilization provides a barrier that will withstand the erosive forces exerted by flowing water or create a bank roughness that will reduce the erosive power by dissipating the energy of the water as it moves along the bank line. Methods commonly used include riprap, rock cribs (gabions), groins, jetties, fencing, piling, etc.
 - (6) Stream channel improvement. Stream channel improvement may require straightening, realignment or the construction of a new channel to designed cross-section and grade as necessary. The design shall include considerations regarding the stability of the bed and banks of the proposed channel under the predicted runoff conditions.
 - (7) Sediment basins. Sediment basins are temporary earth-fill-type dams constructed downstream from a development area which serve to regulate runoff and trap sediment. Sediment shall be removed mechanically as the basin behind the dam becomes filled. The structure can be removed once stability is reached in the development area.
 - (8) Installation and maintenance. The installation and maintenance of the specified erosion and sediment control measures shall be accomplished in accordance with the procedures of this Section.
 - (9) Cut and fill slopes. The face of all such slopes shall be planted or otherwise protected from erosion prior to the release of the permit obligations. Responsibility shall remain on the permittee until such planting is well establish. Other exposed areas susceptible to erosion shall be similarly protected.
- z. Approval for clearing and grading. Approval for clearing and grading shall be obtained from the Town, subject to the granting of temporary easements and other conditions deemed necessary by said Town, in order to inspect and enforce the performance of the specified erosion and sediment control measures provided for in this Section.
- aa. Fill classifications. The grading and plans and specifications shall specify and delineate the use and extent of fills in accordance with the following classifications:
- (1) Type I fill: load-bearing fills proposed for support of buildings, walls and other structures, the function thereof which would be especially impaired by settlement.

- (2) Type II fill: load-bearing fills proposed for support of roadways, pavements, utility lines and structures which would not be especially impaired by moderate settlement.
- (3) Type III fill: common fills proposed for landscaping or for other non-load-bearing usage.

bb. Materials. All load-bearing fills shall meet the following requirements:

- (1) No inclusion of organic or other deleterious materials which may be subject to decay shall be permitted. All fills shall also be free of inclusion of ice or snow.
- (2) No rock or similar irreducible material with a maximum dimension greater than eight inches shall be buried or placed in any load-bearing fill within two feet of finished grade or within two feet of foundation base elevation. When such material is placed in fills, it shall be done under the direction and supervision of an engineer.

cc. Ground preparations.

- (1) The natural ground surface shall be prepared to receive fill by removing all organic surface materials, noncomplying fill and unsuitable soils in accordance with the following provisions, except as otherwise approved by the Town and based on the recommendations of the professional engineer.
- (2) Prior to placing Type I and Type II fills, the ground surface, if within five feet of the finished grade or foundation base elevation, shall be compacted so as to achieve a density of not less than 90 percent of maximum density as defined under this Section within the top six inches.
- (3) No fill shall be placed on frozen ground.

dd. Compaction. All fills will be compacted in accordance with the following provisions:

- (1) All Type I and Type II fills shall be compacted to a minimum of 95 percent and 90 percent respectively, of maximum density as determined in the laboratory of ASTM test method D1557-66T, also known as the "Modified Proctor Test". Type III fill shall be compacted sufficiently so as to be stable and to prevent an erosion

hazard.

- (2) In-place (field) density shall be determined by ASTM test or American Society of Highway Officials equivalent tests, method D1556-64T, met method or by equivalent tests approved by the Town.
- (3) Fills shall be placed in approximately horizontal layers, each layer having a loose thickness of not more than eight inches.

ee. Structural rock. Fills constructed predominantly of large rock, such as sandstone and iron concretions, will be permitted only if the specifications for such fill are prepared by and construction done under the direction and supervision of an engineer.

ff. Maximum slope for fills.

- (1) No fill shall be made which creates an exposed surface steeper in slope than two horizontal to one vertical.
- (2) The Town may require that the fill be constructed with an exposed surface with a grade flatter than two horizontal to one vertical or may require such other measures it deems necessary or stability vegetative establishment and maintenance and safety.
- (3) Fills toeing out on natural slopes at the grade steeper than three horizontal to one vertical shall not be made unless approved by the Town.

gg. Existing features. Existing features which would add value to development of natural or man-made assets of the Town, such as trees, watercourses, falls, beaches, vistas, historic or architecturally significant buildings and similar irreplaceable assets, should be preserved, so far as possible, through harmonious and careful development.

hh. Maximum slope for cuts.

- (1) Cuts shall not be more steep in slope than two horizontal to one vertical.
- (2) The Town shall require at any time that the excavation be made with a cut face with a grade flatter than two horizontal to one vertical, or said Town may require such other measures as it deems necessary for

stability, vegetative establishments and safety.

ii. Cut and fill slopes; terraces.

- (1) Cut and fill slopes in excess of 30 feet but not more than 40 feet in vertical height shall be terraces at approximately mid-height. Terraces in slopes with a vertical height greater than 40 feet shall be made at equal vertical intervals not more than 20 feet apart. Depending on soil conditions, terraces may be required of closer intervals by the Town as it deems necessary for stability, vegetative establishment and maintenance and safety. Bench terraces shall be a minimum of five feet wide with an absolute minimum invert gradient of one percent if not sodded or one-half percent if sodded or one-half percent if paved and with a 10-to-one lateral slope towards the toe of the upper bank and must convey water with minimum six-inch freeboard to an acceptable outlet.
- (2) Cuts and fills shall be set back from property lines and buildings shall be set back from cut or fill slopes in accordance with diagrams entitled "Slope Setback From Property Line" and "Building Setback", which diagrams shall permanently be kept on file in the office of the Town.
- (3) Fill placed above the top of an existing or proposed surface with a slope steeper than three horizontal to one vertical shall be set back from the top of the slope a minimum distance of six feet.
- (4) The setbacks established by this Section are minimum and, depending on soil conditions, may be increased by the Town if deemed necessary for safety or stability or to prevent possible damage from water, soil or debris.
- (5) Notwithstanding anything to the contrary, the Town may reduce the required setback where the necessity for the setbacks may be eliminated or reduced by the construction of retaining walls or if the owner has a letter of authorization to extend slopes onto the adjacent property.

jj. Inspections.

- (1) Scope. All projects shall be inspected, and reports shall be filed by the Town. The Town shall require inspection and, where necessary, compaction control by an engineer of a soil testing agency approved

by the Town.

- (2) Inspection schedule. Prior to initiating any operations subject to this Section, the permittee shall submit to the Town for its approval a proposed inspection and construction control schedule.
- (3) Notifications to inspect.
 - (a) After commencing initial grading operations, the permittee shall require inspections by the Town at the following stages in the development of the site or of each subdivision thereof:
 - (1) Upon completion of stripping, the stockpiling of topsoil, the construction of temporary erosion control facilities and the disposal of all unsuitable materials and preparation of this ground to receive fill but prior to beginning any placement.
 - (2) Upon completion of rough grading but prior to placing topsoil, permanent drainage or other site development improvements.
 - (3) Upon completion of final grading, permanent drainage and erosion control facilities but prior to any seeding, sodding or planting.
 - (4) Upon completion of the installation of all vegetative measures and all other work in accordance with the grading permit.
 - (b) The Town may make additional inspections as such Town may deem appropriate.
- (4) Inspection procedure. No work approved in accordance with this Section shall proceed until the Town inspects the site and approves the work previously completed or notifies the permittee otherwise. Upon notification from the permittee, said Town shall inspect the site and notify the permittee of its approval or rejection within 24 hours, exclusive of Saturdays, Sundays and Holidays. If the inspector does not make an inspection within the specified time period, work may proceed without presumption of approval at the risk of the permittee. The Town shall have the right to waive inspections, except the final inspection, as necessary.

- (5) Inspection reports.
 - (a) When required by the Town, inspection and testing shall be performed under the direction of a professional engineer, who shall certify all inspection reports and test results. Such reports shall include certification by the engineer of the adequacy of:
 - (1) Cleaned areas and benched or keyed surfaces prepared to receive fills.
 - (2) Removal of unsuitable materials.
 - (3) Construction of erosion control drainage devices, buttress fills, underdrains, retaining walls and other grading appurtenances.
 - (4) The degree of compaction where tests are performed.
 - (b) All certified inspection reports and certified test results shall be periodically submitted to the Town during the performance of the work.
- (6) Final reports. The Town shall maintain permanent files on their inspections. Upon completion of permitted work, the Town may require the following for their files and shall also require copies for the Charles Soil Conservation District:
 - (a) An as-built plan and survey by a professional land surveyor or professional engineer at the same scale as the original plan and showing all improvements and final grades.
 - (b) Certification by the owner that all grading, drainage, erosion control measures and facilities and vegetative measures have been completed in conformance with the approved plans and specifications.
 - (c) A report summarizing the inspection reports, field and laboratory tests and location tests.
- (7) Notification of completion. The permittee or his agent shall notify the Town when the grading operation is ready for final inspection. Final approval shall be given in a timely manner when all work,

including installation of all drainage structures and erosion protective devices, have been completed as well as the required vegetative stabilization and the required reports have been submitted.

- kk. Notice of violation; violations and penalties. If at any stage the work does not conform to the permit, to the plans and specifications, or to any instructions of the Town, a written notice to comply shall be given to the permittee. Such notice shall set forth the nature of corrections required and the time within which corrections shall be made. Upon failure to comply within the time specified, the permittee shall be considered in violation of this Section, in which case the bond, if any, shall be in default, and the appropriate penalties imposed.
- ll. Prevalence of more restrictive standards. If any provisions of this Section and any other provision of law impose overlapping or contradictory regulations or contain any restrictions covering any of the same subject matter, that provision which is more restrictive or imposes higher standards or requirements shall govern.

SECTION 7 TRANSFER OF LAND, PERMITS, BONDS, AND AGREEMENTS

A. Bonding or Guarantee of Improvements

- 1. All offsite public improvements must be bonded or guaranteed as follows:
 - a. If the subdivider proceeds with the installation of required onsite improvements, then, upon receipt of a report from each of the appropriate officials that such improvements have been completed in accordance with the improvement plans the Planning Commission will recommend to the Mayor and Town Council that they accept the roads and other improvements, and the Planning Commission will consider an application for approval of the Final Plat; or
 - b. If the applicant has elected to post a performance bond for onsite improvements, it is to ensure the actual construction and installation of such improvements within a two-year period and according to other requirements to be specified in each case by the Town. In addition, the subdivider will sign a certificate of agreement to ensure the construction and installation of all improvements within a two-year period. Failure to comply with any or all of the specified requirements, or failure to construct or install the specified improvements within the two-year period, will result in the forfeiture of the posted bond, unless an extension request for a period not greater than two years is granted by the Town.

- c. A Final Plat may be presented to the Planning Commission for approval prior to improvements being completed or bonded subject to the following:

* (1)

A Developer's Agreement shall be executed and recorded at the time of final plat approval. This Agreement is to be written in a manner prescribed below and is subject to the review and approval of the Town Attorney and the Town Manager prior to final signature. The Agreement shall contain the following:

- (a) Identify parties involved.
- (b) Establish ownership of land.
- (c) Outline development intention.
- (d) Specify development terms including following:
 - (1) Identify land and plans.
 - (2) Developer agrees to construct infrastructure.
 - (3) Improvements will be in accordance with approved plan (attachment).
 - (4) Developer agrees to pay all fees/charges.
 - (5) Specify bond terms.
 - (6) Developer agrees to execute all conveyance documents at no cost to Town.
 - (7) Town will assume ownership and operations of public use areas under specific conditions.
 - (8) Address hydrant installation.
 - (9) Agree that no use/occupancy permits will be issued until infrastructure improvements completed.
 - (10) Developer will repair existing streets/roads damaged during construction.
 - (11) Developer will complete all improvements within two

years.

- (a) Specify bond terms.
 - (b) Conveyance will be free of charges.
 - (12) Developer will maintain open/recreation spaces until a maintenance agreement is reached.
 - (13) Developer will maintain streets until a maintenance agreement is reached.
 - (14) Special provisions (such as tree removal, playground, etc.)
 - (15) Developer acknowledges and agrees that the Town can specify and impose restrictions.
 - (16) Developer agrees that the Agreement is binding on them, heirs, successors, and assigns.
- d. Construction of the public improvements under this Agreement shall not cease for a period of more than one year at a time.
- e. No sale or contract of sale of any or all lots shown herein shall be made until necessary improvements have been:
- (1) Satisfactorily completed under a Developer's Agreement; or,
 - (2) Satisfactorily guaranteed by a Developer's Agreement, supported by a surety bond, certified check, cash, or irrevocable letter of credit or other security as approved by the Town.
 - (3) No building permit may be issued for any construction in this development until these requirements have been complied with.
- f. Failure to comply with the time limits and requirements stated herein shall render the recorded plat null and void.
- g. A performance bond shall be posted as a condition of granting appropriate permits for all off-site improvements necessary for the completion of the subject project, or portion of that project. The bond for off-site

improvements must be also completed within the specified two-year period, unless an extension is granted. If there is a performance bond posted with a state agency for the off-site work, a copy of that bond agreement will address this requirement. The following procedures and standards shall apply when a bond to the County Commissioners is required for subdivision improvements:

- (1) A written request for a determination of the amount of bonding required shall be filed with the Town Manager, if the bond is to be reduced from the amount shown as the Improvement Plan bond amount. An explanation for any reduction or change in bond phasing is required, and must be found acceptable by the Town.
- (2) Upon the determination of the necessary amount of bonding, the bond must be posted in a form satisfactory to the Mayor and Town Council.
- (3) The bond will be approved by the Mayor and Town Council if the bond is secured through a bonding company, is in the proper form, and is accompanied by the required power of attorney and certificate from the Insurance commissioner that the surety is licensed to do business in Maryland as an insurer.
- (4) If any other type of bonding arrangement is desired, a written request must be made to the Town. The written request should be accompanied by a financial statement and any other information which might be helpful in determining whether or not to accept the bonding arrangement.
- (5) After consideration of the request for bonding, the applicant will be notified of the Town's decision. If the bonding is approved, the Town will prepare the necessary documents which will be submitted to the applicant for execution.
- (6) Upon receipt, the executed document will be referred to the Town for review and final approval. If the bond is approved it will be returned to the Planning Commission to show that the bond has been accepted. A copy of the approved bond will be forwarded to the applicant.

SECTION 8

FINAL PLAT

A. General Information

1. If the subdivider proceeds with the installation of required improvements, then, upon receipt of a report from each of the appropriate officials that such improvements have been completed in accordance with these Regulations and the improvements plans, the Planning Commission shall recommend to the Town Board of Commissioners that they accept the roads and other improvements, and the Planning commission shall consider an application for approval of the final plat.
2. If the subdivider follows that alternative procedure of posting bond as provided above, and installing the improvements later, then the Planning Commission shall receive and consider the final plat before completion of the improvements.
3. In the case of a Planned Development, a Detailed Planning Application shall be required, as detailed in the Town of Indian Head Zoning Ordinance, in lieu of the final plat.
4. A final plat may include all of the property covered by the preliminary plat, or may be limited to any portion thereof that is intended to be developed as a unit. Additional final plats may be submitted later, covering additional units of the property, provided the preliminary plat is still valid or its approval has been extended. Every final plat shall be substantially in accordance with the approved preliminary plat, including such changes or additions as may have been required by the Planning Commission as a condition to its approval, and it shall conform in every respect with the requirements specified herein.
5. The subdivider shall file with the Planning Commission at least two weeks prior to a regularly schedule meeting, a final plat drawn with ink on linen or comparable material acceptable to the County Clerk, together with an application in writing for the approval thereof.
6. Upon receipt by the Planning Commission of reports from the responsible officials as to the satisfactory installation of required improvements or the posting of bond therefor, then the Planning commission shall approve said final plat within 30 days, and shall endorse the fact of such approval on each of the several prints by the signature of its Chairman or his designee, in the space to be provided therefor. No final plat shall be approved however, unless it is found by the Planning Commission to conform with the preliminary plat as approved and to be in conformity otherwise with the requirements of these Regulations. Upon approval, the subdivider, at his expense, shall submit the plat in the following form and quantities: (a) three print copies on linen or on comparable material acceptable to the County Clerk, and (b) paper print copies in number as specified by the Town.

The Planning Commission shall then file three prints for record with the Town of Indian Head and shall distribute other prints to official agencies as may be needed.

One signed paper copy shall be returned to the subdivider. Approval of the final plat by the Planning Commission shall not be deemed to constitute or effect an acceptance of the dedication of any street or other proposed public way or space shown on said plat, but the showing of such ways or spaces shall be deemed to be an offer of dedication which may be accepted through any subsequent appropriate act.

Fees to partially cover the cost of considering, examining, and checking the several plats and plans, required herein and for recording the final plat, shall be collected by the Planning Commission at the time of filing such plats, in accordance with the schedule of charges adopted by the Town Council.

Approval of the plat may be revoked by resolution of the Commission at any time prior to the approval of the final plat, upon a finding by the Commission that the plat does not comply with these Regulations, any other applicable laws or regulations, or with the Masters Plan or any portion thereof, as it may be developed or amended. Approval of a preliminary plat shall not constitute approval of the final plat. It shall be a guide to the preparation of the final plat.

B. Development Plan.

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

1. General style and form.

- a. It shall be legibly and accurately drawn on tracing linen or on comparable material acceptable to the County Clerk in sheets 18 or 24 in size, and at a scale of one inch to 50 feet or one inch to 100 feet, depending upon the size and nature of the subdivision; however, if the final plat shows only one lot or parcel of land, it shall not be necessary for the plat to be drawn on tracing linen, and if the one lot or parcel of land so shown contains a large areas, the Planning Commission may exempt the plat from the requirement that its scale be no greater than one inch to 100 feet.
- b. Location by town election district, county and state.
- c. Names and addresses of the owners of record, the subdivider, lien holders, if any, and the engineer or surveyor. All signatures appearing on the plat shall be accompanied by printed names, and corporate seals where applicable.

- d. Scale, date and north point.
- e. A vicinity or location map.

2. Graphic information.

- a. Exact boundaries of the area included within the subdivision with dimensions to hundredths of a foot and bearings to seconds. These boundaries shall be determined by an accurate survey in the field, which shall be balanced and closed with an error of closure of not to exceed one in 10,000.
- b. Bearings and distances to the nearest recorded property owners or other monuments which shall be located or accurately described on the plat.
- c. The accurate locations and descriptions of all permanent monuments.
- d. Names and locations of adjoining subdivisions or the locations and ownerships of adjoining unsubdivided property.
- e. Exact location, width, and name of each existing or recorded road or street adjoining or intersecting the boundaries of the tract.
- f. The exact location and width of every road, street, alley easement, or other public or private way within the tract, with the length and bearing of every tangent, lengths of arcs, radii, internal angles, points of curvature, and any other necessary engineering data; with the names of such ways, and the purposes of easements or other ways.
- g. Accurate location of every lot line with its dimension to hundredths of a foot and bearing to seconds, and accurate area computations of each lot.
- h. Building setback lines drawn to scale and dimensioned to street lines.
- i. Blocks lettered in alphabetical order, and lots numbered in numerical order within each block.
- j. Accurate outlines of any areas dedicated or reserved for public use, or for any other purpose except sale, with the purpose indicated.
- k. Accurate location of any municipal or district line traversing or closely related to the tract.
- l. Existing and relocated courses of any water courses traversing the tract, with

the right-of-way or easement lines provided therefor.

- m. Location of Chesapeake Bay Critical Area boundary and delineation of Critical Area buffer for all sites located in the Chesapeake Bay Critical Area.

C. Certificates.

1. Owner's certificate, signed, acknowledging ownership of the property and agreeing to the subdividing thereof as shown on the plat, signed by the owner or owners and any and all lien holders; also offering for dedication all streets and other ways and places intended for public use.
2. Certificate of the engineer or surveyor to the effect that the plat represents a survey made by him, that it is accurate to the best of his knowledge, that all monuments indicated thereon actually exist and their location and descriptions are correctly shown, and that all requirements of these Subdivision Regulations and of other applicable laws have been fully complied with.
3. A brief summary of the deed restrictions applying to the plat.
4. Approval block for Planning Commission's use.

SECTION 9

EXCEPTIONS, PENALTIES, AND APPEALS

A Exceptions

1. The general principles and standards of subdivision design stipulated herein may be varied by the Planning Commission; (a) in the case of a Planned Development to be developed in accordance with the Town Comprehensive Plan, safeguarded by appropriate restriction, which complies with the Town Zoning Ordinance, and which, in the judgment of the Planning Commission makes adequate provision for all essential community requirements, or (b) in the case of unusual physical conditions - provided, however, that no modifications shall be granted which would conflict with the Comprehensive Plan, or with the intent and purpose of these Regulations.
2. In the case of a subdivision of five or fewer lots, the Planning Commission may exempt the subdivider from those requirements of the regulations pertaining to the contents of the preliminary plat, and from other provisions of these Regulations where the Planning Commission finds that extraordinary hardship may result from strict compliance, especially in those cases where the subdividing or the land is for division among members of the family of the subdivider.

B. Penalties

1. Any person, corporation, association, partnership, or the agent of any such person, who sells or agrees to sell, or negotiates to sell any land by reference to or exhibition of or by other use of a plat of a subdivision, before such plat has been approved by the Indian Head Planning Commission and recorded in the Land Records as required by these Regulations, shall forfeit and pay a penalty of \$100.00 for each lot or parcel so transferred or sold or agreed or negotiated to be sold, and the description of such lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties or from the remedies herein provided. The Town Council may enjoin such transferor sale or agreement of sale by action for injunction brought in any court of equity jurisdiction, or may recover said penalty by civil action in any court of competent jurisdiction.
2. Any person, corporation, association, partnership, or the agent of any such person, who shall violate a provision of this Ordinance, or shall fail to comply with any requirements hereof shall be guilty of a misdemeanor, punishable by a fine of not more than \$100.00, or by imprisonment not exceeding 10 days, or both such fine and imprisonment.

C. Appeals

1. Any person aggrieved by a decision of the Planning Commission denying approval of a final plat, may, within 30 days thereof, note in writing an appeal from said decision to the Town Council. Such appeals shall be promptly heard and after hearing, the Town Council, by majority vote, shall have the power to either affirm the decision of the Planning commission or remand the plat with its views and comments to the Commission for its final action within 30 days.

SECTION 10

DEFINITIONS

For the purposes of these regulations, certain numbers, abbreviations, terms, and words used herein shall be used, interpreted, and defined as set forth in this section. Unless the context clearly indicates to the contrary, words use in the present tense include the future tense; words used in the plural number include the singular; the word "herein" means "in these regulations."

In administering these regulations a "person" includes a corporation, a partnership, and an incorporated association of persons such as a club; "shall" is always mandatory, a "building" includes a "structure"; a "building" or "structure" means any part thereof; "used" or "occupied" as applied to any land or building shall be construed to include the works "intended, arranged, or designed to be used or occupied."

- A. For the purpose of these Regulations, the following additional terms are defined as follows:
1. Acceptable Outfall - That point as determined by the Town where stormwater can be released to a channel without causing scouring, erosion or resulting sedimentation to the receiving channel or its floodplain. Where necessary, the outlet shall include structural and vegetative measures to assure nonerosive velocities.
 2. Alley - A way which affords generally a secondary means of vehicular access to abutting properties and not intended for general traffic circulation
 3. Arterial Street - A route for which the major function is movement of large volumes of vehicular through traffic.
 4. ASTM - The American Society for Testing and Materials.
 5. Bedrock - The solid, undisturbed rock in place either at the ground surface or beneath surface soil deposits.
 6. Bench Terrace - A relatively flat area (i.e., less than two percent grade) constructed on sloping land to planned dimensions and grades. "Bench terraces" are applied along the contour with the length and width controlled by the natural contour and the required erosion limitations.
 7. Block - A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines of waterways, or boundary lines of the Town.
 8. Bond - Any form of security including a cash deposit, surety bond, collateral, property, or instrument of credit in an amount and form satisfactory to the Mayor and Town Council. All bonds shall be approved by the Mayor and Town Council wherever a bond is required by these regulations.
 9. Building - A structure having one or more stories and a roof, which is used or intended to be used for the shelter or enclosure of persons, animals or property.
 10. Building Line - A line within a lot, so designated on a plat of subdivision between which line and the street line of any abutting street no building or structure may be erected.
 11. Certification - A signed written statement that specific constructions, inspections or tests, where required, have been performed and that such comply with the applicable requirements.

12. Collector Street - A street which is intended to collect traffic from the local streets within a neighborhood or a portion thereof and to distribute such traffic to major thoroughfares, in addition to providing access to properties abutting thereon.
13. Compaction - Densification of a soil or rock fill by mechanical or other acceptable procedures.
14. Comprehensive Plan - the Master Plan adopted by the Town of Indian Head.
15. Critical Area - All lands and waters within or adjacent to the Town of Indian Head as defined in Section 8-1807 of the Natural Resources Article, Annotated Code of Maryland. They include:
 - (A) all waters of and lands under the Chesapeake Bay and its tributaries to the head of tide as indicated on the State wetlands maps and all State and private wetlands designated under Title 16 of the Environment Article, Annotated Code of Maryland;
 - (B) all land and water areas within 1,000 feet beyond the landward boundaries of State or private wetlands and the heads of tides designated under Title 16 of the Environment Article, Annotated Code of Maryland; and
 - (C) modification to these areas through inclusions or exclusions proposed by the Town of Indian Head and approved by the Commission as specified in Section 8-1807 of the Natural Resources Article, Annotated Code of Maryland.
16. Crosswalkway - A public way intended for pedestrian use and excluding motor vehicles, which cuts across a block in order to furnish improved access to adjacent streets or properties.
17. Cul-de-Sac - A minor street with one end open for vehicular traffic and with the other end permanently terminated by a turnaround or backaround for vehicles.
18. Cut/Excavation - See "Excavation/Cut".
19. Developer - A person, partnership, corporation, firm or governmental agency undertaking or proposing the construction of a building, a project consisting of interrelated buildings or other construction, and who is primarily financially responsible for the proposal.
20. Diversion - A channel, ditch or ridge constructed across a slope so as to intercept and

divert surface runoff.

21. Drainageway/Watercourse - See "Watercourse/Drainageway".
22. Easement - A grant of the use of a parcel of land to the public, a corporation or a person for one or more designated purposes without including title to the land.
23. Embankment - See "Fill/Embankment".
24. Engineer - See "Professional Engineer".
25. Erosion - The process by which the ground surface is worn away by the action of wind or water.
26. Escrow - A deposit of cash with the Town in lieu of an amount required and still in force on a performance or maintenance bond.
27. Excavation/Cut - Any act by which soil or rock is cut into, dug, quarried, uncovered, removed, displaced or relocated, and shall include the conditions resulting therefrom.
28. Existing Grade - The vertical location of the existing ground surface prior to excavating or filling.
29. Fill/Embankment - A deposit of soil, rock or other materials placed by man.
30. Finished Grade - The final grade or elevation of the ground surface conforming to the proposed design.
31. Floodplain - that area which would be inundated by storm runoff or floodwater equivalent to that which would occur with a flood of 50 year recurrent frequency after total development of the watershed; said area being defined by an elevation plus one foot, below which no development may take place.
32. Grading - Any stripping, excavating, filling, including hydraulic fill, stockpiling or any combination thereof, and shall include the land in its excavated or filled condition.
33. Grading Permit - A permit issued to authorize work to be performed.
34. Inspector - The person that is appointed by the Town as the Grading and Sediment Control Inspector, building Inspector or Engineer.
35. Load-bearing Fill - Any facility, earthwork or fill placed in a controlled manner to

support structural foundations or vehicular traffic, the instability of which would constitute a public hazard or nuisance.

36. Lot - A portion of a subdivision or other parcel of land intended for the purpose of building development, whether immediate or future.
37. Lot Frontage - The width of the lot measured horizontally along the front street line.
38. Lot, Double-Frontage - A lot extending through the block from one street to another.
39. Lot Improvement - Any building, structure, or improvement on the land on which they are situated constituting a physical betterment of real property, or any part of such betterment. Certain lot improvements shall be properly bonded as provided in these regulations.
40. Major Thoroughfare - A street or highway so designated in the Major Thoroughfare Plan of the Indian Head Comprehensive Plan.
41. Local Street - A street intended to serve and provide access exclusively to the properties abutting thereon. Also called "secondary road".
42. Natural Ground Surface - The ground surface in its original state before grading, stripping, excavation or filling.
43. Permittee - Any person to whom a permit is issued.
44. Person - Includes an individual, a corporation, a partnership, an incorporated association, an agency or any other similar entity whatsoever.
45. Planning Commission - The Town of Indian Head Planning Commission.
46. Preliminary Plat - The preliminary drawing or drawings, described in these regulations, indicating the proposed manner or layout of the subdivision to be submitted to the Planning Commission for approval.
47. Professional Architect - A person who has been duly registered and licensed to practice professional architecture and/or landscape architecture under requirements of state law.
48. Professional Engineer - An engineer duly registered by the State of Maryland to practice professional engineering.

49. Regulated Grading - Any grading performed with the approval of and in accordance with established criteria.
50. Right-of-Way - A strip of land used or intended to be used as a street, sidewalk, sanitary or storm sewer, drainageway or other use. "Right-of-Way", for land plotting purposes, shall be separate and distinct from lots adjoining such right-of-way and shall not be included in the dimensions or areas of such lots.
51. Sediment - Soils or other surface materials transported by wind or surface water as a product of erosion.
52. Sidewalk - A passageway for pedestrians, excluding motor vehicles.
53. Site - That portion of any lot or parcel of land, or combination of contiguous lots or parcels of land, where grading is performed or permitted.
54. Slope - The inclined exposed surface of a fill, excavation or natural contour.
55. Soil - All earth material of whatever origin that overlies bedrock, including but not limited to the decomposed zone of bedrock which can be readily excavated by mechanical equipment.
56. Steep Slope - A slope over 15 percent grade, which is characterized by increased runoff, erosion and sediment hazards.
57. Stripping - Any activity which removed the vegetative surface cover, including tree removal, clearing, grubbing and storage or removal of topsoil.
58. Structural Rock Fills - Constructed predominately of rock materials for the purpose of supporting structures.
59. Subdivider - Any person, individual, firm, partnership, association, corporation, estate or trust or any other group or combination acting as a unit, dividing or proposing to divide land so as to constitute a subdivision as defined herein, and including any agent of the subdivider.
60. Subdivision - The term "subdivision" includes resubdivision and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided whether immediate or future, or transfer of ownership or of building development.
 - a. Minor - The division of a single tract or parcel of land or part thereof into four or less lots.

- b. Major - The division of a tract or parcel of land into five or more lots.
- 61. Town - The incorporated Town of Indian Head, Maryland.
- 62. Tributary Streams - Those perennial and intermittent streams in the Critical Area which are so noted on the most recent U.S. Geological Survey 7-1/2 minute quadrangle maps (scale 1:24,000) or on more detailed maps or studies at the discretion of the Town of Indian Head.
- 63. Watercourse and/or Drainageway - Any natural or artificial watercourse, including but not limited to streams, rivers, creeks, ditches, channels, canals, conduits, culverts, drains, waterways, gullies, ravines or washes, in which water flows in a definite direction or course, either continuously or intermittently, and including any area adjacent thereto which is subject to inundation by reason of overflow or floodwater.

SECTION 11. INTERPRETATION AND SEVERABILITY

- a. In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.
- b. Should any section, subsection, sentence, clause or phrase of these regulations be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of the regulations in its entirety or of any part thereof other than that so declared to be invalid. The Town Council of Indian Head, Maryland, hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.