

Chapter 66

SUBDIVISION OF LAND

[HISTORY: Adopted by the Mayor and Council of the Town of Millington 10-06-75. Amendments noted where applicable, Amended by Resolution 2024-11, adopted June 11, 2024; Amended by Resolution 2025-16, adopted January 13, 2026]

GENERAL REFERENCES

Planning Commission - See Chapter 9.

Sediment Control - See Chapter 53.

Sewers - See Chapter 56.

Zoning - See Chapter 80.

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ARTICLE I

Title; Applicability; Purpose

§ 66-1. Title.

This chapter shall be known, referred to and cited as the “Land Subdivision Ordinance of Millington, Maryland.”

§ 66-2. Applicability.

This chapter shall apply to the incorporated territory of Millington, Maryland, within the area encompassed by the adopted Comprehensive Plan of the Town.¹ The regulations contained herein are adopted under the authority of Land Use Article Annotated Code of Public General Laws of Maryland, as amended, and shall be in addition to any regulations pertaining to land subdivision promulgated by the State Department of Health or other agency of the State of Maryland, and in the case of any conflict, the more exacting regulation shall prevail.

§ 66-3. Purpose.

This Chapter has been established for the purpose of guiding and accomplishing the coordinated and harmonious development of the Town of Millington, Maryland, and its environs in order to promote, in accordance with present and future needs, the health, safety, morals, order, convenience, prosperity and general welfare of the citizens of the Town. In the accomplishment of this purpose, the regulations as herein established provided for, among other things, efficiency and economy in the process of development; the proper arrangement of streets in relation to each other and to the existing and planned streets and other features of the Comprehensive Plan² of the town; adequate open spaces for recreation, light and air; convenient distribution of population and traffic; adequate provision for public utilities and other public facilities; and other requirements for land subdivision which will tend to create conditions favorable to the health, safety, convenience and prosperity of the citizens of Millington, Maryland, and its environs.

ARTICLE II

Definitions and Word Usage

§ 66-4. General rules of construction.

The following general rules of construction shall apply to the regulations of this Chapter:

- A. The singular number includes the plural, and the plural the singular, unless the context clearly indicates the contrary.
- B. Words used in the present tense include the past and future tenses, and the future the present.
- C. The word “shall” is always mandatory. The word “may” is permissive.
- D. The word “public” means “open to common use,” whether or not public ownership is involved.
- E. Words and terms not defined herein shall be interpreted in accordance with their normal dictionary meanings and customary usage.

§ 66-5. Definitions.

For the purpose of this chapter, certain terms and words are hereby defined:

ALLEY - A narrow public thoroughfare, not exceeding sixteen (16) feet in width, which provides a secondary means of vehicular access to abutting properties and which is not intended for general circulation.

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.

¹ Editors Note: The Comprehensive Plan is on file in the office of the Town Clerk.

² Editors Note: The Comprehensive Plan is on file in the office of the Town Clerk.

COLLECTOR STREET - A Street which is intended to collect traffic from the minor 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.

CROSS WALKWAY - A public way intended for pedestrian use and excluding motor vehicles, which cut across a block in order to furnish improved access to adjacent streets or properties.

CUL-DE-SAC - A minor street having but one (1) end open for vehicular traffic and with the other end permanently terminated by a turnaround or back around for vehicles.

EASEMENT - A strip of land for which the owner grants a right of use to someone else for one (1) or more designated purposes, which purposes are consistent with the general property rights of the owner.

ENGINEER - The Town Engineer of Millington, who shall be the Resident Engineer of the Maryland State Highway Administration or other, qualified civil engineer designated by the Mayor and Council.

HEALTH OFFICER - The Health Officer of the county.

LOT - A portion of a subdivision or other parcel of land intended for the purpose of building development, whether immediate or future.

LOT AREA - The total horizontal area within the lot lines of the lot.

LOT DEPTH - The average horizontal distance between the front and rear lot lines.

LOT LINE - The boundary line of the lot.

LOT WIDTH - The horizontal distance between the side lot lines, measured at the required building setback line.

MAJOR THOROUGHFARE - A Street or highway so designated in the Comprehensive Plan of Millington.³

MINOR STREET - A Street other than a major thoroughfare or Collector Street and intended primarily for providing access to abutting properties.

PLANNING COMMISSION - The Millington Planning Commission.

REGULATIONS - The whole body of regulations, text, charts. Diagrams, notations and references contained or referred to in this chapter.

ROADWAY - That portion of a street or highway available for and intended for use by motor vehicle traffic.

SERVICE DRIVE - A minor street which is parallel to and adjacent to a major thoroughfare and which provides access to abutting properties and restricts access to the major thoroughfare.

STREET - A public or private thoroughfare which affords the principal means of access to abutting properties, whether designated as a freeway, expressway, highway, road, avenue, boulevard, lane, place, circle or however otherwise designated.

STREET LINE - A dividing line separating a lot, tract or parcel of land and a contiguous street, and also referred to as a "right-of-way line."

SUBDIVIDER - Any person, individual, firm, partnership, association, corporation, estate, 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.

SUBDIVISION - The division of any tract or parcel of land into two (2) or more plots, parcels, lots or sites for the purpose, whether immediate or future, of transfer of ownership or of building development; provided, however, that the sale or exchange of parcels between adjoining lot owners where such sale or exchange does not create additional building sites shall be exempted from this definition. The term shall include re-subdivision and, where appropriate to the context, shall relate to the process of subdividing or to the land subdivided.

³ Editors Note: The Comprehensive Plan is on file in the office of the Town Clerk.

ARTICLE III

General Provisions

§ 66-6. Print required for subdivision; recording.

From and after the effective date of this Chapter, any owner, agent or proprietor of any tract of land located within the territory to which these regulations shall apply who subdivides such land into lots, blocks, streets, alleys, public ways or public grounds shall cause a plat of such subdivision to be made in accordance with the regulations set forth herein and the laws of the State of Maryland and shall cause a copy of said plat to be recorded in the office of the Clerk of the Circuit Court.

§ 66-7. Approval of plat by Planning Commission.

No plat of a subdivision shall be recorded by the Clerk of the Circuit Court unless and until it shall have been submitted to and approved by the Planning Commission as provided herein. The Planning Commission shall not approve said plat unless and until the plat satisfactorily complies with the requirements of these regulations.

§ 66-8. Transfer of land; issuance of building permit.

No parcel of land in a subdivision created after the effective date of this Chapter shall be transferred, sold or offered for sale nor shall a building permit be issued for any structure thereon until a plat of subdivision shall have been recorded with the Clerk of the Circuit Court in accordance with these regulations and the laws of the State of Maryland. Any person who violates this provision shall be subject to the penalties contained herein.

§ 66-9. Requirements for plat preparation.

In the preparation of a plat of a subdivision, the subdivider shall comply with the general principles of design and minimum requirements for the layout of subdivisions as set forth in Article V and with the rules and regulations concerning required improvements as set forth in Article VII and in the standards and specifications for improvements as adopted by the Mayor and Council, and in every case the preparation of such plat shall be in accordance with the procedure of Article IV.

ARTICLE IV

Plat Submission and Approval Procedure

§ 66-10. Preparation of sketch; consultation with Planning Commission, Health Officer, and Engineer.

- A. 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 scheme for development of the property, including the proposed street and lot locations, areas to be reserved for public use and proposed improvements.
- B. The subdivider shall then consult with the Planning Commission 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 regulations⁴ and other requirements relating to, affecting or applying to the proposed subdivision. The subdivider shall also consult with the Engineer and the Health Officer 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.

⁴ Editors Note: See Chapter 80, Zoning

§ 66-11. Submission of preliminary plat.

- A. The subdivider shall then prepare a preliminary plat of the proposed subdivision conforming to the requirements for the preparation of such plat as set forth in Article VI. At least two (2) weeks prior to a regularly scheduled meeting of the Planning Commission at which action on such plat is desired, the following items shall be filed with the Town Administrator
 - (1) Three (3) blackline or blue line prints of the preliminary plat.
 - (2) Supporting statements on required improvements and proposed deed restrictions, as set forth in Article VI.
 - (3) A subdivision application.
- B. The preliminary plat shall be checked by the Planning Commission or its staff for its conformity to the Comprehensive Plan of the Town, the applicable zoning and other regulations and the design principles and standards and requirements for submission as set forth in this Chapter. Copies of the preliminary plat shall be referred for review and approval to the Engineer, Health Officer and other appropriate public officials concerned with public improvements or health requirements.

§ 66-12. Hearing on preliminary plat; approval; expiration of approval.

- A. A hearing on the preliminary plat shall be held at the next regular meeting of the Planning Commission. No hearing shall be held by the Planning Commission until notice thereof shall have been sent to the subdivider and to such other interested parties as may be determined by the Planning Commission. At the hearing, the Planning Commission shall submit its findings and recommendations, together with those of the other public officials to whom copies were referred. The Planning Commission shall either tentatively approve or disapprove the preliminary plat or it may approve the plat subject to specific changes or modifications. One (1) copy of the preliminary plat, with any comments, shall be returned to the subdivider, with other copies retained in the files of the Planning Commission.
- B. Tentative approval of a preliminary plat shall be valid for not more than six (6) months. Unless a final plat, substantially in accordance with the approved preliminary plat and including any required changes or modifications, shall be filed with the Planning Commission within six (6) months from the date of approval of the preliminary plat, the Planning Commission's approval thereof shall be deemed canceled; provided, however, that the final plat may include only a portion of the area in the preliminary plat and that final plats for remaining portions may be filed at a later date without a new preliminary plat, but subject to any changes in the regulations contained herein made after such six-month period.

§ 66-13. Installation of improvements.

Following tentative approval of the preliminary plat, the subdivider shall prepare and submit plans for the installation of those improvements which he is required to make under the provisions of this Chapter. Copies of such improvement plans shall be submitted to appropriate public officials for approval. Upon being notified that such improvement plans have been approved, the subdivider shall proceed with the installation of such improvements prior to filing a final plat for the subdivision with the Planning Commission, except that, in lieu of completing the required improvements prior to such filing, the subdivider may furnish the Mayor and Council with a cash deposit or performance bond executed in accordance with the provisions of Article VII, § 66-28.

§ 66-14. Submission of final plat.

- A. Following completion of the required improvements to the satisfaction of the appropriate public officials or following the posting of a performance bond or cash deposit in lieu of such completion, the subdivider shall prepare a final plat of the subdivision. Such final plat may be for all the property included in the preliminary plat or it may be limited to any portion thereof which is intended to be developed as a unit. Additional final plats, covering additional units of the property, may be submitted later, provided that the preliminary plat is still valid. Every final plat shall be substantially in accordance with the tentatively approved preliminary plat, including any changes or additions required by the Planning Commission as a condition for its tentative

approval, and it shall conform in every respect to the requirements for the preparation of such plat as set forth in Article VIII.

- B. At least two (2) weeks prior to a regularly scheduled meeting of the Planning Commission at which action on the final plat is desired, the subdivider shall file the following items with the Secretary of the Planning Commission:
- (1) Two (2) copies of the plat on tracing linen or dimensionally stable plastic film.
 - (2) Six (6) blackline or blue line prints of the plat.
 - (3) A properly executed statement of dedication of all streets in the subdivision to the appropriate jurisdiction, constituting an irrevocable offer to dedicate for a period of not less than five (5) years from the date of its filing with the Planning Commission.
 - (4) A subdivision application revised if needed.

§ 66-15. Final plat approval and recording.

- A. Upon receipt by the Planning Commission of evidence of the satisfactory completion of required improvements or the posting of a cash deposit or performance bond therefore; the Planning Commission shall consider approval of the final plat at its next regular meeting. If the final plat is found to comply with the requirements of this Chapter and with the preliminary plat, as approved, the Planning Commission shall approve said plat and shall endorse the fact of such approval on each of the several copies submitted by placing the signature of its Chairperson thereon.
- B. The Planning Commission shall approve or disapprove the final plat within thirty (30) days after the filing of such plat with the Secretary of the Planning Commission; otherwise, such plat shall be deemed to have been approved, and a certificate to that effect shall be issued by the Planning Commission on demand; provided, however, that the subdivider may waive this requirement and consent to an extension of such period. The grounds for the disapproval of any final plat shall be stated upon the record of the Planning Commission.
- C. Upon approval of the final plat by the Planning Commission, the two (2) signed copies of the plat on tracing linen or plastic film shall be filed by the subdivider with the Clerk of the Circuit Court. The signed blackline or blue-line prints shall be forwarded by the Planning Commission to the Supervisor of Assessments, the State Department of Health, the Health Officer and the Engineer, with one (1) print retained by the Planning Commission and one (1) print returned to the subdivider.

§ 66-16. Fees to be set by Mayor and Council.

Fees shall be set by the Millington Mayor and Council.

ARTICLE V

Design Requirements and Standards

§ 66-17. General requirements.

- A. The subdivision layout shall conform in all essential respects to the Official Transportation Plan and other aspects of the adopted Comprehensive Plan for the Town.⁵
- B. The subdivision layout shall be in full compliance with the provisions of the zoning districts in which it is located.
- C. The subdivision layout shall be designed in accordance with the principles and standards contained in this Article, with the objective of achieving the most advantageous development of the subdivision and adjoining areas.

⁵ The Comprehensive Plan is on file in the office of the Town Clerk.

§ 66-18. 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.

§ 66-19. 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 subdivider adjoins or embraces any part of a major thoroughfare as designated on the Transportation 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, except that the subdivider shall not be required to dedicate that part of such major thoroughfare which is in excess of eighty (80) feet in width.
- D. Wherever deemed desirable to the layout of the subdivision and adjoining areas, the Planning Commission may require the platting and dedication of one (1) 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 sixty degrees (60°).
- 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. Reduction of impact of heavy traffic.
 - (1) Where the subdivision abuts or contains a primary highway as designated on the Transportation 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 through one (1) of the following means:
 - (a) By providing vehicular access to such lots by means of a service drive separated from the major thoroughfare by a planting strip and connecting therewith at infrequent intervals.

- (b) By designing reverse-frontage lots having access only from a parallel minor street or from cul-de-sac or loop streets and with vehicular access to such lots from the major thoroughfare prohibited by deed restrictions or other means.
- (2) 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 six hundred (600) feet in length, shall be permitted 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 and industrial areas unless adequate access to parking and loading areas is provided by other means. Alleys will not be permitted in residential areas, except for providing rear access to row dwellings or where required by topographic or other unusual conditions. In the absence of alleys, easements will be required for utility lines or drainage facilities.
- 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 shall not be permitted in any proposed subdivision.

§ 66-20. Street design standards.

- A. Right-of-way widths.
 - (1) Right-of-way widths for primary and secondary highways shall be as designated in the Transportation Plan, and in any case not less than one hundred fifty (150) feet for primary highways and eighty (80) feet for secondary highways; provided, however, that widths above these minimums may be required by state officials to meet particular traffic conditions.
 - (2) Right-of-way widths for other street types shall be not less than sixty (60) feet for collector streets in commercial and industrial areas, fifty (50) feet for minor streets in residential areas, forty (40) feet for service drives and sixteen (16) feet for alleys.
- B. Roadway widths.
 - (1) Roadway widths for primary and secondary highways shall be not less than the minimum specified by state officials, but in any case not less than twenty-four (24) feet with ten-foot shoulders.
 - (2) Roadway widths for other street types shall be not less than the following:
 - (a) Collector streets and minor streets in multiple family residential, commercial and industrial areas: Forty (40) feet with curbs and gutters, except that streets serving lots of one (1) acre or more may, with the approval of the Planning Commission, have a minimum roadway width of twenty-two (22) feet with eight-foot shoulders.
 - (b) Minor streets in single-family residential areas and service drives: Thirty (30) feet with curbs and gutters, except that streets serving lots of one (1) acre or more may, with the approval of the Planning Commission, have a minimum

roadway width of twenty (20) feet, with six-foot shoulders on each side for minor streets and on one (1) side for service drives.

- (c) The Millington Planning Commission may reduce the above street and design standards of width in accordance with good planning techniques.
 - (d) Alleys: Twelve (12) feet.
- C. Cul-de-sac. Cul-de-sac streets shall have a circular turn-around of not less than one hundred (100) feet in diameter to the street line and with a roadway of not less than eighty (80) feet in diameter, unless the Planning Commission approves a T- or Y-background.
- D. Street grades.
 - (1) Street grades shall not exceed five percent (5%) for primary and secondary highways and collector streets and eight percent (8%) for minor streets, service drives and alleys, except that the Planning Commission may permit a variation of not greater than two percent (2%) from these maximums where topographic conditions warrant. Street grades shall be not less than one-half of one percent ($1/2$ of 1%) at the gutter.
 - (2) All changes in street grades of more than one percent (1%) shall be connected by vertical curves with a minimum length of fifty (50) feet or fifteen (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 four hundred (400) feet for primary and secondary highways, three hundred (300) feet for collector streets and one hundred (100) feet for minor streets, service drives and alleys. Between reverse curves, either of which has a radius of less than two hundred (200) feet, there shall be a tangent section at least one hundred (100) feet in length.
- F. Intersections. Each property corner at street intersections shall be rounded off by an arc, the radius of which shall be not less than twenty (20) feet, except that in a business area a chord may be substituted for such arc. Curbs at street intersections shall be rounded off concentrically with the property lines. The design of the intersection should provide clear sight distance for oncoming vehicles, and there should be a suitable leveling of the street grade within and approaching the intersection.

§ 66-21. Blocks.

- A. Residential blocks shall normally not exceed one thousand three hundred (1,300) feet in length nor be less than five hundred (500) feet in length between street lines. In any residential block more than eight hundred (800) feet in length, a cross walkway of not less than ten (10) 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 (2) 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 cul-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.

§ 66-22. 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 district in which they are located, except that in any case where public water supply and/or public sewerage is not available or is not to be provided, all residential lots shall comply with the minimum lot dimensions and areas established by the Health Officer or State Department of Health after appropriate water percolation tests, where these requirements are greater than required under the zoning regulations.
- C. Excessive lot depth in relation to lot width shall be avoided. A ratio of depth to width of two to one (2:1) shall be considered a desirable maximum.
- D. Corner lots shall desirably have extra width to permit appropriate building setback from both streets in accordance with the Zoning Regulations.⁶
- 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 major thoroughfares shall desirably 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.

§ 66-23. Easements.

- A. Where alleys are not provided in appropriate locations, easements of not less than ten (10) 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 drainage way, the subdivider shall make adequate provision for the proper drainage of surface water, including the provision of easements along such streams, watercourses and drainage ways.
- 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 Commission.

§ 66-24. Public sites and open spaces.

- A. Where deemed essential by the Planning Commission, upon consideration of the type and size of development proposed in the subdivision, the subdivider shall be required to dedicate public facility sites and recreational facilities, of a character, extent, and location suitable to meeting the

⁶ Editors Note: See Chapter 80, Zoning.

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.

- B. Where the proposed subdivision includes lands required for use for public facilities, parks, playgrounds, or play fields, the subdivider shall indicate the location of such lands on the subdivision plat and shall dedicate such lands to the appropriate jurisdiction at the time of recordation of all or any portion of the subdivision.

§ 66-24.1. Critical Area District [Added 06-09-1988 by Ordinance No. 88-2][Removed January 13, 2026 by Resolution #2025-16]

In addition to the other provisions of the Millington Zoning Ordinance⁷ and Subdivision Regulations, design requirements will be adhered to in the subdivision of land located within the Town of Millington Critical Area Overlay District. See Chapter 80, Zoning, Critical Area Requirements.

ARTICLE VI

Preliminary Plat

§ 66-25. General requirements.

The preliminary plat of the proposed subdivision shall comply with the following general requirements with regard to style and content.

- A. It shall be prepared by a registered land surveyor, preferably at a scale of one (1) inch to one hundred (100) feet, but in any case at a scale not smaller than one (1) inch to two hundred (200) feet.
- B. It shall provide all the pertinent information on existing site conditions, property ownership and the like, which may be necessary for the Planning Commission to properly consider the proposed subdivision, and such information shall be accurate and reliable.
- C. It shall show the general plan for the ultimate development of the property, including so much of the surrounding area as may be necessary for an adequate consideration of the land to be subdivided. Such plan shall be accurately drawn to scale, but surveyed dimensions are not required.

§ 66-26. Information to be shown.

The preliminary plat shall be drawn in a clear and legible manner and shall show the following information:

- A. The proposed subdivision name, which shall not duplicate nor closely approximate the name of any other subdivision in the county.
- B. A description of the proposed subdivision's location.
- C. The names and addresses of the owner of record, the subdivider and the surveyor preparing the plat.
- D. The scale, date, North point and small-scale key map showing the location of the proposed subdivision.
- E. The boundaries of the land being subdivided in heavy outline, with the approximate dimensions of the property and the approximate acreage contained therein.
- F. The names and locations of adjacent subdivisions and the location of adjoining parcels of unplatted land, with the names of owners of record.
- G. Topographic contours at five-foot intervals and referenced to United States Geological Survey data, except that, where the average slope is less than three percent (3%), a contour interval of two (2) feet shall be used.

⁷ Editors Note: See Chapter 80, Zoning.

- H. The location of existing property lines, streets and alleys, easements, buildings, utilities, wooded areas, watercourses and any other significant natural or man-made physical features affecting the proposed subdivision.
- I. The present zoning classifications of the proposed subdivision and adjoining properties and proposed uses of property within the area being platted.
- J. The layout, numbering and approximate dimensions and areas of all proposed lots or parcels.
- K. Proposed building lines along all streets, with the minimum amount of setback required.
- L. Designation of parcels of land to be conveyed or reserved for public use or for the common use of property owners within the subdivision.
- M. Tentative locations for all utilities and drainage facilities, with easements indicated where necessary.

§ 66-27. Supporting statements

Accompanying the preliminary plat shall be the following written and signed statements in support of the subdivider's application for tentative approval:

- A. Statements explaining how and when the subdivider proposes to provide and install required water supply, sewers or other means of sewage disposal, street pavements, curbs and gutters and drainage structures.
- B. Statements concerning any proposed deed restrictions to be imposed by the owner.

§ 66-27.1. Critical Area District [Added 06-09-1988 by Ordinance No. 88-2][Removed January 13, 2026 by Resolution #2025-16]

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ARTICLE VII

Improvements

§ 66-28. Installation by subdivider deposit or bond.

- A. The subdivider shall be required to provide and install or to enter into agreements to provide and install certain minimum improvements in the subdivision as a condition for approval of the final plat by the Planning Commission. All such required improvements shall be constructed in accordance with the minimum requirements of these regulations and the construction standards and specifications adopted by the Mayor and Council or such other governmental agency as may have jurisdiction over a particular improvement Nothing contained herein, however, shall be construed as prohibiting the subdivider from installing improvements meeting higher standards than the minimum requirements.
- B. Prior to filling the Final Plan with the Planning Commission, the required improvements shall be completed, inspected, and approved by the proper authorities, except that in lieu of completing all improvements prior to submission of the Final Plat, the subdivider may furnish the Mayor and Council with a cash deposit, or a secured line of credit, or a performance bond in an amount sufficient to cover 125% of the cost of the improvements required to be installed by the subdivider, thereby insuring the actual construction and installation of such improvements prior to, or in no case later than, the time that such improvements are needed to serve buildings placed on abutting lots. The cost of required improvements shall be estimated by the Engineer or other authority having jurisdiction. In the event of any dispute concerning the amount of cash deposit or bond required, the Mayor and Council shall make the final decision based upon at least two additional cost estimates.

§ 66-29. Minimum requirements.

The minimum requirements for the installation of improvements in subdivisions shall be as follows:

- A. Roads and streets.
 - (1) All new roads and streets shall be constructed in accordance with the minimum requirements of these regulations and the minimum construction standards adopted by the Mayor and Council. Existing roads and streets which do not meet these specifications with regard to width or type of construction shall be widened and brought into conformity on that portion of the road or street within or adjoining the subdivision.
 - (2) The roadbed and roadway wearing surface shall be constructed in accordance with applicable Town standards. Curbs and gutters shall be provided in all subdivisions where the average lot area is less than one (1) acre. Where curbs and gutters are not required, stabilized shoulders and stabilized drainage ways outside the shoulders shall be provided. Street name signs of an approved design shall be erected at each new street or road intersection.
- B. Surface drainage facilities. The subdivision shall be provided with such storm drains, culverts, drainage ways or other works as are necessary to collect and dispose of surface and storm water originating on or flowing across the subdivision in order to prevent inundation and damage to streets, lots and buildings.
- C. Water supply facilities. Every subdivision shall require a public water supply under the regulations of the State Department of Health. Where a public source of water supply will not be available, private on-site sources of water supply, approved by the Health Officer, shall be provided.
- D. Sanitary sewerage facilities. Every subdivision shall require a public sewer system under the regulations of the State Department of Health.
- E. Plantings.
 - (1) It will be the responsibility of the subdivider to provide street trees and other landscaping in all of the public rights-of-way in the proposed development. The proposed location and species of plant material to be used shall be subject to approval of the Planning Commission.
 - (2) The trees shall be preferably of a hardwood variety, shall be planted in fertile or fertilized ground, and shall be watered and nurtured after planting until growth is ensured. The subdivider shall be responsible for the trees for two growing seasons after planting. Each tree shall have a minimum trunk diameter of at least one and one-half inches as measured at breast height. The trees shall be at least six feet high above ground level and shall be planted at intervals of no less than 35 feet in accordance with a planting plan approved by the Planning Commission. The preservation of existing trees along the right-of-way may compensate for a portion of the required new plantings.
 - (3) All parking areas shall be landscaped with trees planted at a rate of not less than one (1) tree per two thousand five hundred (2,500) square feet of gross parking area.
- F. Sidewalks.
 - (1) For the safety of pedestrians and of children at play and to ensure the continuation of the system of pedestrian circulation in Millington, installation by the subdivider of sidewalks on both sides of all subdivision roads shall normally be required. Each sidewalk shall be four feet wide, built to the construction standards adopted by the Mayor and Council, and separated from road paving by a planting strip.
 - (2) Where for a considerable distance, one side of a road abuts on farmland or other type of use that does not require a sidewalk and where the continuity of the overall sidewalk

system is not interrupted, the Planning Commission may waive the requirements for a sidewalk on one side of the road. On cul-de-sac roads serving six lots or less and if conditions are such as to eliminate or discourage non-local traffic and street parking, the Planning Commission may waive the requirement of sidewalks on one or both sides.

- G. Street lighting. The subdivider shall make application to the Planning Commission and Town Engineer for necessary streetlights. Purchase and installation of the required lighting shall be the responsibility of the subdivider.
- H. Community facilities. All residential plans submitted to the Planning Commission, preliminary or final, will be referred to the Kent/Queen Anne's County Department of Education for an advisory report and recommendation. The Department of Education will determine the projected school population anticipated from the subject development and compare the future school-age population to existing and proposed school capacities in determining whether that agency can endorse the development.
- I. Public utilities. The subdivider shall place or cause to be placed underground, extensions of electric and telephone distribution lines necessary to furnish permanent residential electric and telephone service to new detached, semidetached, group or Townhouse single-family residences within a new residential subdivision or to new apartment buildings in accordance with the rules and regulations of the Public Service Commission of Maryland, effective July 1, 1968 and subject to the further order of that Commission.
- J. Off-street parking.
 - (1) Applicability. Every subdivision plan which shall be submitted to the Planning Commission for approval shall provide off-street parking space and facilities in accordance with the requirements of the Millington Zoning Ordinance.⁸
 - (2) Design.
 - (a) Parking spaces and all access and maneuvering space for off-street parking shall be surfaced and maintained with a dustless, all-weather material, except for single-family and two-family dwellings.
 - (b) Every parking facility shall have a safe and efficient means of vehicular access to a recorded street.
 - (c) No driveway serving a parking facility shall be closer than five (5) feet to a side property line.
 - (d) No motor vehicle shall be parked in any yard or court closer than ten (10) feet to any door, window or other opening of a dwelling, institution or other property.
 - (e) In the design of off-street facilities for multiple dwellings, the public right-of-way shall not be obstructed by the use of the same as aisle space or maneuvering space. Each off-street parking facility shall provide sufficient maneuvering space within the boundaries of the lot or lots on which it is located and shall be so designed that no unreasonable difficulty or inconvenience will be entailed in making necessary maneuvers for parking and removing a vehicle. Maneuvers shall not entail driving over any other required parking space. The layout of parking areas shall conform to the minimum dimensions for spaces and access ways.
 - (f) Each parking facility shall be so designed that ingress or egress to a parking space entails no backing maneuver across a sidewalk or established footway or a backing maneuver into or from the public right-of-way.
 - (g) Neither the turnaround diameter of a cul-de-sac or a rotary nor the turn slot of a T-type or L-type cul-de-sac shall be used for the parking of vehicles.

⁸ Editors Note: See Chapter 80, Zoning.

- (h) In a multifamily residential subdivision, no parking area shall exceed one hundred eight (108) feet in length, and no portion of a motor vehicle shall be closer than twenty (20) feet to the right-of-way line of a public street.
- (i) Any fixture used to illuminate any off-street parking area shall be so arranged as to reflect the light away from adjacent residential sites, institutional sites and public roads.
- (j) Off-street parking facilities shall be screened by a wall, fence or compact planting when adjoining the side or rear lot line. Screening shall be at least three and (3 feet high). Screening shall not be so placed or maintained as to constitute a traffic hazard by obstruction of visibility.
- (k) Entrances from public or private streets shall conform to the following dimensions:

One-way traffic entrances shall not be less than seventeen (17) feet in width.

Two-way traffic entrances shall not be less than twenty-four (24) feet nor more than thirty-five (35) feet in width; such entrances shall be not less than fifteen (15) feet apart.

Monumental entrances shall be provided with a six-foot-wide median, and the traffic lanes shall not be less than seventeen (17) feet in width.

All entrances shall be not less than seven and one-half (7 1/2) feet from a side lot line.

K. Refuse collection.

- (1) In a residential subdivision, if refuse is to be collected at points exterior to a structure, such points shall be shielded from view on three (3) sides by screening and landscaping and placed on a pad of concrete where necessary.
- (2) In a residential subdivision, if refuse is to be collected at points within a structure, the marginal notes to the subdivision plan shall so indicate.
- (3) In a commercial or industrial subdivision, refuse storage and collection points shall be housed in containers and shielded from view by screening and/or landscaping.
- (4) The developer shall submit a resume of refuse.

L. Street signs.

- (1) Improvements required. The subdivider shall erect at every intersection a street sign or street signs having thereon the names of the intersecting streets. At intersections where streets cross, there shall be at least two (2) such street signs, and at the intersections where one (1) street ends or joins with another street, there shall be at least one (1) such street sign.
- (2) Construction standards.
 - (a) Street nameplates shall be of metal construction; all corners shall be rounded; and the lettering shall be of standard proportions and spacing in accordance with one (1) of the alphabets used by the United States Bureau of Public Roads. The plates shall be horizontal. The lower edge of the nameplate shall be seven (7) feet above the ground level or curb. The nameplate shall be attached by rustproof metal fasteners.
 - (b) The standard shall be rustproof metal and shall be of sufficient length to permit the same to be embedded in the ground a distance of not less than three (3) feet. The standard shall be embedded in a concrete base for a depth of not less than three (3) feet below the surface of the ground and not less than twelve (12) inches in diameter.

- (c) The standard shall be heavy wall pipe not less than two and one-half (2 1/2) inches in diameter. The pipe shall be capped.
- M. Reference monuments.
 - (1) Permanent reference monuments of stone or concrete and at least thirty (30) inches in length and four (4) inches square with suitable center point shall be set flush with the finished grade at such locations as may be required by the Planning Commission and the laws of the State of Maryland.
 - (2) Monuments of metal pipe, three-fourths (3/4) inch in diameter and at least eighteen (18) inches in length, shall be set in place flush with the finished grade at all intersections of streets and alleys with subdivision boundary lines, at all points on streets, alleys and boundary lines where there is a change in direction or curvature and at all lot corners.

§ 66-30. Plans, profiles, and specifications.

- A. Plans, profiles, and specifications for the required improvements shall be prepared by the subdivider and submitted for approval by the appropriate public authorities prior to construction.
- B. Plans and profiles shall be drawn to a horizontal scale of one (1) inch to one hundred (100) feet or less and a vertical scale of one (1) inch to twenty (20) feet or less, unless the Planning Commission shall specify otherwise, and such plans and profiles shall be sufficiently detailed to show the proposed location, size, type, grade and general design features of each proposed improvement.
- C. The plans, profiles, and specifications to be submitted shall include the following:
 - (1) Plans and profiles of each street, showing proposed grades and street intersection elevations.
 - (2) Cross-sections of proposed streets, showing the width of roadways, present and proposed grade lines and the location and size of utility mains, taken at intervals of not more than fifty (50) feet along each street center line, unless otherwise required by the Engineer. Such cross-sections shall extend laterally to the point where the proposed grade intersects the existing grade, except that in no case shall less than the full width of the street right-of-way be shown.
 - (3) Plans and profiles of proposed sanitary sewers and storm drains, with proposed grades and pipe sizes indicated.
 - (4) Plans of the proposed water distribution system, showing pipe sizes and the locations of all valves and fire hydrants.
 - (5) A site plan of proposed street trees and other landscaping improvements.
 - (6) Written specifications for all proposed improvement

§ 66-3 1. Inspection and acceptance.

- A. All construction work on improvements required herein shall be subject to inspection and approval by the Engineer, Health Officer, and other authorized public officials during and upon completion of such construction work as required. Upon the completion of each improvement, the subdivider shall furnish the appropriate official with accurate and detailed engineering drawings of the improvement as it was actually constructed.
- B. The final plat of the subdivision shall not be approved by the Planning Commission until all required improvements shall have been satisfactorily completed and approved as being in compliance herewith or satisfactory bond posted in lieu of such completion. No such bond shall be released until all improvements secured by such bond shall have been completed and approved as being in compliance herewith; provided, however, that a partial release may be approved for such improvements as may have been completed and approved by appropriate officials.

- C. Approval of the final plat by the Planning Commission shall not be deemed to constitute or affect an acceptance by the public of the dedication of any street or other proposed public way or public grounds shown on said plat. The jurisdiction involved shall have no obligation to accept and to make public any street in a subdivision unless all required improvements shown on the approved final plat have been constructed in conformity with the required standards and specifications or a petition signed by the owners of at least fifty percent (50%) of the frontage of the street in question, requesting that the street be taken over and made public, is filed with the governing body of the jurisdiction involved, and it is established by such governing body that there is a need for the street to be taken over and made public. The jurisdiction involved shall have no responsibility with respect to any street within a subdivision, notwithstanding the use of such street by the public, unless the street is accepted by ordinance or resolution of the governing body of such jurisdiction.

§ 66-32. Sediment control.⁹

- A. Nothing in this Chapter shall be deemed as relieving any person or corporation of the Millington Sediment Control Ordinance.
- B. All subdivision applications must incorporate a sediment control plan prior to final approval of the plat.

ARTICLE VIII

Final Plat

§ 66-33. General requirements.

The final plat of the subdivision shall comply with the following general requirements with regard to style and content:

- A. It shall be drawn in black India ink on tracing linen or dimensionally stable plastic film and shall comply with the applicable provisions of the laws of the State of Maryland relative to the making of plats.
- B. It shall be prepared by a registered land surveyor, preferably at a scale of one (1) inch to one hundred (100) feet, but in any case at a scale not less than one (1) inch to two hundred (200) feet, and it shall be drawn on sheets not less than eight by twelve (8 x 12) inches and not more than twenty-four by thirty (24 x 30) inches in size, including a margin of one-half (1/2) inch outside ruled border lines.
- C. All dimensions and bearings of lines and all areas shall be based upon a field survey of sufficient accuracy and detail that the data shown thereon may be reproduced on the ground. All distances and the length of all lines shall be given to the nearest hundredth of a foot. Bearing of all lines shall be magnetic bearings referenced to the date of the plat, and all bearings shall be given to the nearest minute. All areas shall be given to the nearest square foot.

§ 66-34. Information to be shown.

The final plat shall be legibly and accurately drawn and shall show the following information:

- A. The name under which the subdivision is to be recorded and the subdivision's location.
- B. The legal description of the area being platted.
- C. The scale, date, North point, and small-scale key map showing the general location of the subdivision in relation to its surroundings.
- D. The distances and bearings for all the boundary lines of the subdivision.

⁹ Editors Note: See Chapter 53, Sediment Control.

- E. The locations and descriptions of all permanent survey monuments, with coordinates of all monuments.
- F. The names and locations of adjacent subdivisions and the location of adjoining parcels of unplatted land, with the names of the owners of record.
- G. The locations, dimensions and names of all streets and alleys within and adjoining the subdivision, with the lengths and bearings of tangents, the lengths of arcs and radii, internal angles, points of curvature and any other necessary engineering data.
- H. The locations, dimensions and bearings of all lot lines and the area of every lot or parcel.
- I. Building lines along all streets, dimensioned to street lines.
- J. Blocks lettered in alphabetical order, with the lots within each block numbered in numerical order.
- K. The locations, dimensions and purposes of all cross walkways, easements and other public ways.
- L. The locations, dimensions, and purposes of any other property offered for dedication or to be reserved for acquisition for public use or to be reserved by deed convenient for the common use of property owners in the subdivision.

§ 66-35. Certificates and statements.

Accompanying the final plat and made a part thereof shall be the following certificates and statements:

- A. Notarized owner's certificate, acknowledging ownership of the property and agreeing to the subdivision thereof as shown on the plat and signed by the owner or owners and any lien holders.
- B. Notarized owner's statement of dedication, offering all streets, alleys and other public ways and public grounds for dedication and constituting an irrevocable offer to dedicate for a period of not less than five (5) years from the date of filing the final plat with the Planning Commission.
- C. A certificate of the surveyor that the final plat, as shown, is a correct representation of the survey as made, that all monuments indicated thereon exist and are correctly shown and that the plat complies with all requirements of this Chapter and other applicable laws and regulations.
- D. A brief summary of deed restrictions applicable within the subdivision, including any trust agreements for the operation and maintenance by the property owners in the subdivision of any sewage disposal system, water supply system, park area or other physical facility which is of common use or benefit but which is not to be held in public ownership.
- E. A certificate of approval by the Health Officer of the means of providing water supply and sewage disposal services for the subdivision.
- F. A certificate of approval by the Town Engineer that all specifications established by the developer are in accordance with Town specifications and desires.
- G. A certificate of approval by the Sediment Control Officer that the proposed subdivision is in conformance with the Sediment Control Ordinance.¹⁰
- H. A certificate of approval by the Planning Commission, ready for signature and in a form acceptable to the Planning Commission.

§ 66-35.1. Critical Area District [Added 06-09-1988 by Ordinance No. 88-2] [[Removed January 13, 2026 by Resolution #2025-16]

¹⁰ Editors Note: See Chapter 53, Sediment Control.

ARTICLE IX

Modifications and Exceptions

§ 66-36. Variance, modification and requirements.

Where, in the case of a particular proposed subdivision, it can be shown that strict compliance with the requirements of this Chapter would result in extraordinary hardship to the subdivider because of unusual topography or other conditions which are not self-inflicted or that these conditions would result in inhibiting the achievement of the objectives of these regulations, the Planning Commission may vary, modify or waive the requirements so that substantial justice may be done and the public interest secured; provided, however, that such variance, modification or waiver will not have the effect of nullifying the intent and purpose of this Chapter or being contrary to the goals and objectives of the Master Plan for the Town. In no case shall any variation, modification or waiver be more than a minimum easing of the requirements, and in no instance shall it result in any conflict with the proposals of the adopted Major Thoroughfare Plan for the Town or the applicable zoning regulations.

§ 66-37. Exceptions for residential planned community districts.

Where land within the Town of Millington is proposed for development in accordance with the provisions of the Millington's Zoning Ordinance pertaining to the establishment of residential planned community districts, the requirements and conditions for approval as set forth in that ordinance shall prevail in the case of any conflict with these regulations; provided, however, that nothing in this section shall be construed as permitting any exception from the requirements of these regulations with regard to the design, arrangement or improvement of streets and highways within any proposed residential planned community district.

§ 66-38. Approval of modifications and exceptions.

Variances, modifications and waivers from the requirements of this Chapter shall be granted only by the affirmative vote of three-fourths (3/4) of the members of the Planning Commission. In granting variances, modifications and waivers, the Planning Commission may require such conditions as will, in its judgment, substantially secure the objectives of the requirements so varied, modified or waived.

ARTICLE X

Changes and Amendments

§ 66-39. Initiation; Planning Board report.

The Mayor and Council may from time to time amend, supplement or change, by ordinance, the regulations herein established. Any such amendment or change may be initiated by resolution of the Mayor and Council or by motion of the Planning Commission. Before taking action on any proposed amendment or change, the Mayor and Council shall submit the same to the Planning Commission. Failure of the Planning Commission to report within sixty (60) days after its first meeting subsequent to the proposal being referred shall be deemed approval by the Planning Commission.

§ 66-40. Public hearing by Planning Commission.

The Planning Commission may hold a public hearing on any proposed amendment or change before submitting its report to the Mayor and Council. Notice of such public hearing before the Planning Commission shall be given at least fifteen (15) days prior to the hearing by publishing the time, place and the nature of the hearing in a newspaper having general circulation in the Town. The published notice shall contain reference to the place or places within the Town where the full text of the proposed amendment or change may be examined.

§ 66-4 1. Public hearing by Mayor and Council.

Before approving any proposed amendment or change, the Mayor and Council shall hold a public hearing thereon, notice of said hearing to be accomplished by publication in a newspaper as prescribed above.