

**Title 2**

**SUBDIVISION REGULATIONS**

**[HISTORY: Adopted by the Board of County Commissioners of Worcester County on \_\_\_\_\_, 200\_ as Title 2 of Bill No. \_\_\_\_ - \_\_\_\_ .]**

**SUBTITLE I  
General Provisions**

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SUBTITLE I  
**General Provisions**

**§ ZS 2-101. Purpose and intent.**

- (a) Purpose. The purpose of this Title is to regulate and control the division of land within the County in order to promote, protect and provide for the public health, safety and general welfare of the County.
- (b) Intent. It is the intent of this Title to regulate the division of land so as:
- (101) To implement the goals, objectives and policies of the County Comprehensive Plan and other plans and policies adopted by the County.
  - (62) To further the orderly and appropriate development of land without adversely affecting the quality of the natural resources of the County.
  - (123) To prevent the pollution of air, streams and ponds; to assure the adequacy of drainage facilities; to safeguard the water table; and to encourage the wise use and management of natural resources throughout the County in order to preserve the integrity, stability and beauty of the community and the value of the land.
  - (114) To protect the character and social and economic stability of all parts of the County.
  - (15) To assure sites suitable for building purposes and human habitation and to provide for harmonious development within the County.
  - (26) To coordinate proposed roads with existing roads.
  - (37) To regulate the flow of traffic on the roads and highways.
  - (48) To ensure adequate open space for circulation, recreation, light and air.
  - (59) To provide for adequate light, air and privacy, to secure safety from fire, flood and other danger and to prevent overcrowding of the land and undue congestion of population.
  - (710) To provide for the efficient use of land for development purposes and to minimize sprawl and the unnecessary consumption of land.
  - (811) To facilitate adequate provision for transportation, water, sewerage, schools, recreation, parks and other public requirements.
  - (912) To ensure that public facilities are available and will have sufficient capacity to serve the proposed subdivision.

**§ ZS 2-102. Short title.**

This Title shall be known, cited and referred to as the "Worcester County Subdivision Regulations."

**§ ZS 2-103. Effect of provisions.**

These regulations shall not be construed to stop or otherwise affect any enforcement action in

progress as of the date of adoption of this Title or to dismiss, discontinue or modify any penalty previously assessed. Furthermore, adoption of these regulations shall not affect or waive the liability or rights of any person, firm or corporation or waive any right of the County existing under prior regulations except as expressly provided for herein.

**§ ZS 2-104. Definitions.**

(a) General interpretations. For the purposes of this Title, certain terms or words used herein shall be interpreted as follows:

- (1) The word "person" includes a firm, association, organization, partnership, trust, company or corporation as well as an individual.
- (2) The masculine shall include the feminine and the feminine shall include the masculine.
- (3) The present tense includes the future tense.
- (4) The singular number includes the plural; the plural number includes the singular.
- (5) The words "shall," "must" or "will" are mandatory; the words "should" or "may" are permissive.
- (6) The word "used" or "occupied" includes the words "intended, designed or arranged to be used or occupied."

(b) Definitions of words and phrases. For the purposes of this Title, the following words and phrases shall have the meanings respectively ascribed to them by this Section. Terms found in this Title but not specifically defined in this Title shall have the meanings ascribed to them by § ZS 1-103 hereof if a definition is provided in that Section.

**AGRICULTURE** -- The use of land, buildings and structures for forestry, dairying, pasturage, crop growth, horticulture, floriculture, viticulture, the raising of livestock and poultry for sale and including other conventional agriculture uses and structures such as farm offices, commercial and non-commercial greenhouses and nurseries, non-commercial fertilizer storage, non-commercial maintenance, storage and repair facilities, farm ponds, non-commercial grain dryers, barns, poultry and hog houses and the storage and application of manure produced by farm animals or poultry. The term "agriculture" shall not include commercial grain dryers or dwellings and shall not include the storage or application of sewage sludge. See definition of "farm."

**ALLEY** -- A right-of-way over land affording a secondary means of access to abutting properties.

**APPLICANT** -- Any person who submits subdivision plans to the Planning Commission for the purpose of obtaining approval thereof.

**BUFFER** -- A naturally vegetated area or vegetated area established or managed to protect aquatic, wetland shoreline and terrestrial environments from manmade disturbances.

**BUILDING** -- Any structure which is designed, built or occupied as a shelter for persons, animals or property. The term "building" shall include tents, roadside stands, mobile homes, recreational trailers, vehicles and other similar objects when used as a permanent shelter and shall also include any part thereof.

**BUILDING ENVELOPE** -- See "lot area, buildable."

**BUILDING PERMIT** -- A written statement issued by the Department authorizing the erection, expansion or alteration of a building or structure.

**BUILDING OR YARD SETBACK LINES** -- Those lines which describe the required front, rear, side and other setbacks as prescribed in the district regulations contained in Title 1, Worcester County Zoning Ordinance. See § ZS 1-305 hereof.

**CONSERVATION AREA** -- An area protected and maintained generally in its natural condition in which disruption from development (other than for trails) and/or active recreational activities is prohibited. Areas in which vegetation is reestablished following disruption and otherwise meeting the previous conditions are also considered "conservation areas."

**COUNTY COMMISSIONERS** -- The County Commissioners of Worcester County, Maryland.

**CUL-DE-SAC** -- The circular terminus of a public road or approved private road.

**DEPARTMENT** -- The County department designated by the County Commissioners to administer and enforce this Title. See § ZS 1-111 hereof.

**DEPARTMENT OF THE ENVIRONMENT** -- The Maryland Department of the Environment, including the local official having delegated authority.

**DRAINAGEWAY** -- A minor watercourse that is defined either by the presence of intermittent or perennial streams or topography that indicates a swale where surface sheet flows join, including the land, except where areas are designated as floodplain, on either side of and within fifty feet of the center line of any intermittent or perennial stream shown on the United States Geological Service's seven-and-one-half-minute quadrangle sheets covering the unincorporated areas of the County.

**DWELLING OR DWELLING UNIT** -- Any building or portion thereof occupied or intended to be occupied for residential purposes by a single family or housekeeping unit, but not including a watercraft, tent, seasonal cabin, recreational vehicle or trailer, mobile home, assisted living unit or a room in a hotel, motel or boardinghouse, and having at least five hundred square feet of livable gross floor area.

**DWELLING, MULTI-FAMILY** -- A building containing three or more dwellings designed for or used exclusively for residential purposes. For purposes of this Title, a townhouse shall not be considered a "multifamily dwelling."

**DWELLING, SINGLE-FAMILY** -- A detached dwelling unit designed for use or used exclusively for residential purposes by one family or housekeeping unit, having at least five hundred square feet of livable gross floor area and, except where specifically permitted by the primary district regulations, only one single-family dwelling may be located on an individual lot or parcel.

**DWELLING, TWO-FAMILY** -- A detached building containing two dwelling units and used exclusively for residential purposes by not more than two families or housekeeping units, each of which shall have at least five hundred square feet of livable gross floor area. The terms "two-family dwelling" and "duplex" are synonymous.

**EASEMENT** -- The right to use a specifically identified portion of a lot for a specifically identified purpose without having title to the land.

**ENVIRONMENTALLY SENSITIVE AREAS** -- Site areas comprised of wetlands, stream beds, floodplains, forested areas, threatened and endangered species habitat, and

areas designated Green Infrastructure by the Comprehensive Plan.

**EXISTING SIGNIFICANT TREES** -- Trees existing on the site that are six inches in caliper (diameter) or greater measured at four and one-half feet above existing grade.

**EYEBROW LOT** -- A lot served by a bulb-shaped court protruding from a higher order street, or those lots served by a loop street not meeting the requirements of § ZS 2-502(c)(8).

**FARM** -- A lot or parcel of five or more acres which is conscientiously and consistently managed for bona fide agricultural purposes.

**FLAG LOT** -- A polygonal-shaped lot that has the appearance of a “flag with staff” or “panhandle” in which the handle or staff provides the required minimum road frontage and which may be used as the point of access to a street or road. The terms "flag lot" and "panhandle lot" are synonymous.

**FLOODPLAIN** -- A relatively flat or low land area adjoining a river, stream or watercourse which is subject to partial or complete inundation, or any area subject to the unusual and rapid accumulation or runoff of surface waters from tidal action or from any source, and specifically including those areas subject to flooding by the waters of the one-hundred-year flood as shown on the United States Department of Housing and Urban Development, Federal Insurance Administration, Flood Insurance Rate Maps for the County.

**FLOODWAY** -- The designated area of a floodplain required to carry and discharge floodwaters of the one-hundred-year flood as defined in the definition of "floodplain" herein.

**FOREST** -- A biological community dominated by trees and other woody plants covering a land area of ten thousand square feet or more. This also includes "forests" that have been cut but not cleared.

**FRONTAGE** -- The dimension of a lot measured at the front lot line along a public or approved private road or, if the front lot line is curved, along the chord of the arc.

**HEALTH DEPARTMENT** -- The County Health Department.

**IMPROVEMENTS** -- Those physical additions, installations and changes such as roads, curbs, sidewalks, water mains, wastewater collection systems, drainage facilities, public utilities and other appropriate items required to render land suitable for the use proposed.

**LOOP STREET** -- A relatively short street providing access from dwelling units to a higher order street only and generally having intersections with the higher order street in close proximity to one another.

**LOT** -- A plot or parcel of land having at least the minimum area required by this Title for a lot in the district in which such lot is situated and having its principal frontage on a public road, approved private road, or right-of-way or access easement for lots approved as a rural cluster subdivision. Parcels in single ownership separated by a road shall be considered as separate parcels. A lot of record shall be considered a "lot." See § ZS 1-305 hereof for other lot definitions and methods of measurement.

**LOT AREA, BUILDABLE** -- That portion of the net lot area remaining for building purposes once adjusted to subtract out the area of all easements, required yard setbacks, septic disposal areas, private wetlands and nontidal wetlands and their buffers. Every lot must have a "buildable area" of not less than two thousand five hundred square feet of

contiguous area with usable access.

**LOT AREA, GROSS** -- The gross area of a lot, parcel or other piece of land shall be calculated as the area bounded by the property lines.

**LOT AREA, NET** -- The net area of a lot, parcel or other piece of land shall be calculated as the area bounded by the property lines, except that the public and private rights-of-way, state wetlands and the area of the strip connecting to the road in the case of a panhandle or flag lot shall not be included as part of the "net lot area" unless specifically permitted for the structure or use involved. Easements other than required road widening strips may be included in "net lot area," and private wetlands and easements may be included as part of any yard setback unless otherwise prohibited.

**LOT OF RECORD** -- A plot or parcel of land delineated upon the land records of Worcester County as of July 27, 1965, or any validly recorded platted lot of a subdivision or parcel of land which, at the time of its recording, complied with all applicable laws, ordinances and regulations.

**OPEN SPACE** -- Land intended for active or passive recreation, the growing of trees, vegetable, field or nursery crops or for purposes of conservation of natural resource and free of residential, service, business or industrial structures and uses.

**OUTLOT** -- A parcel of land which is included in a plat and which is designated for public or private open space or recreational areas, rights-of-way, utilities, stormwater management facilities, or other similar purposes.

**PANHANDLE LOT** -- See "flag lot."

**PARKING LOT** -- A surfaced area of one or more parking spaces designed or used for the parking of self-propelled vehicles and available to the public, whether for a fee or as an accommodation to customers or clients.

**PLANNING COMMISSION** -- The Worcester County Planning Commission.

**PRIVATE** -- Any land or structure not owned and operated by a public or quasi-public jurisdiction or organization.

**PROPERTY LINE** -- The boundary of a lot or group of lots used in combination.

**PUBLIC** -- Any land or structure owned and operated by a public or quasi-public jurisdiction or agency for the public benefit.

**QUALIFIED PROFESSIONAL** -- A person or firm who, by reason of training and/or experience, is qualified, as determined by the Department, to perform the function required.

**RECREATION, ACTIVE** -- Recreational uses, areas or activities oriented toward potential competition and involving special equipment. Playgrounds, sports fields and courts, swimming pools and golf courses are examples of "active recreation" uses.

**RECREATION, PASSIVE** -- Recreational uses, areas or activities oriented to noncompetitive activities which typically require no special equipment. Trails and areas for hiking, picnicking and bird watching are examples of "passive recreation" uses.

**RESUBDIVISION** -- Any further division or modification of an existing recorded subdivision.

**RIGHT-OF-WAY** -- A land or water area legally separated from abutting properties and used for travel, access, utility location or other purpose. The usage of the term "right-of-way" for land platting purposes in the County shall mean that every "right-of-way" hereafter established and shown on a final plat is to be separate and distinct from lots or parcels adjoining such "rights-of-way" and not included within the dimensions or areas of such lots or parcels.

**ROAD** -- Includes street, avenue, drive, circle, square, court, lane, highway, cul-de-sac or other term of general usage describing a right-of-way intended for vehicular use.

**ROAD, ACCESS** -- A road providing a single point or limited points of connection to a higher-order road and intended to provide for direct ingress and egress to adjacent properties or developments fronting thereon.

**ROAD, APPROVED PRIVATE** -- A road which meets the right-of-way requirements of a public road, is approved by the County Commissioners, provides a means of private access to abutting properties and is privately owned and maintained.

**ROAD, COLLECTOR** -- A road which collects traffic from minor roads and distributes it to the arterial road system. Although it may provide access to abutting properties, a "collector road" serves primarily a through traffic function.

**ROAD LINE** -- The existing or proposed right-of-way line of any road.

**ROAD, MINOR** -- Any road which does not serve a collector or arterial function and is lightly traveled. The primary function of a "minor road" is to provide access to and between abutting properties.

**ROAD, PUBLIC** -- A public right-of-way listed in the inventory of public roads of Worcester County which provides a means of public access to abutting properties.

**ROAD, SERVICE** -- A road generally aligned parallel to a higher-order road with limited access to such higher-order road and intended to provide for direct ingress and egress to adjacent properties or developments fronting thereon.

**STRUCTURE** -- Anything constructed or erected with a fixed location on the ground, attached to something having a fixed location on the ground or a building as defined herein. "Structures" include walls, fences and signs.

**SUBDIVISION** -- The division of a lot, tract or parcel of land into two or more lots, plats, sites or other divisions of land for the purpose, whether immediate or future, of sale or of building development, including resubdivision. Development which constitutes a division of land into separate lots, sites, parcels or other types of division, regardless of ownership, may SHALL constitute a subdivision EXCEPT AS OTHERWISE EXEMPTED. When appropriate to the context, the term "subdivision" or "resubdivision" shall relate to the process of subdividing or resubdividing land as well as to the land or territory subdivided. The creation of a condominium under the Maryland Condominium Act (Title 11 of the Real Property Article of the Annotated Code of Maryland, as from time to time amended), where land is divided into parcels or lots or the condominium units constitute parcels or lots, either actually or constructively, other than the division of only a building or buildings into units, shall constitute a subdivision. A lease or creation of a term of years where land is divided into parcels or lots for a period of twelve years or more, including renewals, shall constitute a subdivision, except for leases for individual commercial units or parcels within a planned commercial development. The widening of a public road or the creation of a widening strip for a public road shall not constitute a subdivision. The creation of a lot, tract or parcel which, at the time of its creation, is transferred in perpetuity to the County Commissioners of Worcester County, the State of Maryland or the United States

of America, where the residue meets the definition of a lot, shall not constitute a subdivision. Any undeveloped lot transferred at any time to a bona fide conservation entity for the purpose of perpetual protection, as determined by the Department, shall not be counted as a lot when determining the number of subdivisions of a property.

**SUBDIVISION, MAJOR** -- Any subdivision of land which creates six or more lots in total, regardless of size, out of what was a single parcel as of July 25, 1967. A series of separate subdivisions out of the same original parcel shall be considered a "major subdivision" when the cumulative effect of such separate subdivisions meet the criteria of a "major subdivision." For the purposes of this Article a rural cluster subdivision as defined in § ZS 1-103 hereof shall not be considered a major subdivision. Any undeveloped lot transferred at any time to a bona fide conservation entity for the purpose of perpetual protection, as determined by the Department, shall not be counted as a lot when determining the number of subdivisions of a property.

**SUBDIVISION, MINOR** -- Any subdivision which is not a major subdivision as herein defined and which creates up to but not more than five lots out of what was a single parcel of land as of July 25, 1967. For the purposes of this Article a rural cluster subdivision as defined in § ZS 1-103 hereof shall be considered a minor subdivision. Any undeveloped lot transferred at any time to a bona fide conservation entity for the purpose of perpetual protection, as determined by the Department, shall not be counted as a lot when determining the number of subdivisions of a property.

**WETLANDS, NONTIDAL** -- An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as "hydrophytic vegetation." "Nontidal wetlands" are identified by the most recent federal definition and guidelines for identifying and delineating jurisdictional wetlands.

**WETLANDS, PRIVATE** -- Any land not considered "State wetland," bordering on or lying beneath tidal waters, which is subject to regular or periodic tidal action and supports aquatic growth. This includes wetlands transferred by the State by a valid grant, lease, patent or grant confirmed by Article 5 of the Declaration of Rights of the Constitution, to the extent of the interest transferred.

**WETLANDS, STATE** -- Any land under the navigable waters of the State below the mean high tide affected by the regular rise and fall of the tide. Wetlands of this category which have been transferred by the State by valid grant, lease, patent or grant confirmed by Article 5 of the Declaration of Rights of the Constitution shall be considered private wetland to the extent of the interest transferred.

**WETLANDS, TIDAL** -- Includes all private and State wetlands as defined herein.

## **§ ZS 2-105. Applicability and exemptions.**

- (a) Applicability of Title. This Title shall apply to all land located within the County, including any submerged lands, water areas or islands, but shall not apply to the land located within the subdivision control jurisdiction of the incorporated municipalities. It shall apply to any privately conducted uses or proprietary functions within the territory affected on lands owned or controlled by the United States government or the State of Maryland. It shall also apply to all activities of municipal corporations beyond the boundaries of the municipal corporation. Except as set forth in Subsection (b) hereof, all County-owned or County-controlled land and the use thereof shall be subject to this Title, including the procedures for applications, reviews and approvals.

- (b) Exemptions. The County Commissioners may, by resolution, exempt any County-owned or County-controlled land from the provisions of this Title, and from each and every provision as the Commissioners may determine necessary and appropriate to carry out the purposes of this Title or as the Commissioners may determine is in the best interests of the health, safety, morals and general welfare of the community. In the case of exemption, the County Commissioners shall notify the Planning Commission of their intentions prior to acting on the resolution for exemption. The Planning Commission shall subsequently review the plats for such County-owned or County-controlled land in an advisory capacity only and shall submit its comments to the County Commissioners for their consideration within the time limit established by the County Commissioners. The decision of the County Commissioners with regard to any exemption under this Subsection shall be final and shall not be subject to appeal to any court. The County Commissioners shall hold a public hearing or provide for public comment prior to adoption of the resolution.

**§ ZS 2-106. Severability.**

Should any section or provision of this Title be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the regulations as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

**§ ZS 2-107. Interpretation and application.**

In their interpretation and application, the provisions of these regulations shall be held to be minimum requirements adopted for the promotion of the public health, safety and general welfare. Whenever these regulations are at variance with the requirements of any other lawfully adopted laws, rules, regulations, ordinances, deed restrictions or covenants, the most restrictive or that imposing the higher standards shall govern. Only those covenants, deed restrictions or provisions which are required by the Planning Commission, the County Commissioners or agency thereof as a condition of approval obtained hereunder and are clearly indicated as so required upon a document recorded among the land records of the County, unless otherwise required by law, shall be enforceable by the County Commissioners or any agency thereof under the provisions of this Title.

**§ ZS 2-108. Fees.**

The County Commissioners shall establish a schedule of fees to alleviate the cost of reviewing and checking the plans and plats described herein and for recording the record plat. Such fees shall be collected by the Department at the time of filing.

**§ ZS 2-109. Governmental liability.**

The grant of a permit or approval of a subdivision and/or land development plan in any wetlands (tidal or nontidal) or any flood-prone area or any other area shall not constitute a representation, guaranty or warranty of any kind by the County or by any official or employee thereof of the legality (as to other laws or regulations) or practicability or safety of the proposed use and shall create no liability upon the County, its officials or employees.

**§ ZS 2-110. Repealer.**

The Worcester County Subdivision Regulations dated March 10, 1992 and amendments thereto are hereby repealed by the adoption of this Article.

**§ ZS 2-111. Preparation and adoption of amendments.**

For the purpose of promoting the public health, safety and general welfare, the Planning Commission may, or at the request of the County Commissioners shall, prepare and recommend amendments to this Title. The procedure for such amendment shall be the same as that for the preparation and recommendation, approval and adoption of the original ordinance from which this Title is derived, provided that no such amendment shall be adopted by the County Commissioners without first referring the proposed amendment to the Planning Commission for recommendation. The County Commissioners may make amendments to this Title within sixty days from the referral date if no recommendation is received from the Planning Commission. Upon the adoption of an amendment, the County Commissioners shall cause the official text of the Title to be so revised. The date of the County Commissioners adoption of said amendment shall be noted in the text of the Title.

**§ ZS 2-112. Effect of recording.**

Any improvements or amenities shown on a record subdivision plat may or may not be offered for dedication to the County. However, with the exception of approved private roads, all roads shall be offered for dedication. When improvements and amenities are offered for dedication, a formal statement of offer shall be included on the record plat, as described in § ZS 2-406(b)(3)D.3. hereof. Recording of the record plat containing such a formal statement shall not be deemed to constitute or effect an acceptance by the County of the dedication of any road, park or other improvement or amenity shown on such plat but improvements so noted for dedication may be accepted by the County through a subsequent appropriate act. Any such offer of dedication may not be withdrawn without consent of the County Commissioners. A plat may be recorded without an offer of dedication provided that the Planning Commission has approved there being no offer of dedication and that a statement is included on the record plat stating that such improvements have not been offered for dedication to the County and furthermore stating who specifically is responsible for construction and maintenance of all improvements and amenities.

**§ ZS 2-113. Sale of lots off unrecorded plat.**

At any time prior to the recording of the record plat, if any lot shown on any proposed subdivision plat is offered for sale, sold or transferred as a lot, in any way, or a reservation is taken to purchase a particular lot, the owner or agent of the owner shall be guilty of a civil infraction and shall forfeit and pay a civil penalty of not less than two hundred dollars and not more than one thousand dollars, in the discretion of the court, for each lot or parcel so transferred or sold or agreed or negotiated to be sold. The description of the 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 the penalties or from the remedies herein provided. The County may enjoin the transfer, sale or agreement by action for injunction brought in any court of equity jurisdiction or may recover the penalty by civil action in any court of competent jurisdiction. In addition, the Planning Commission or Department may suspend all action on or deny approval of any such plat or any application for permits or other approvals on the subject property until such releases, reconveyances, waivers or cessation of sales offerings as may be appropriate are obtained.

**§ ZS 2-114. Vesting of rights.**

Minor subdivisions shall have no vested rights until the plat is recorded among the land records of Worcester County. For major subdivisions, no rights shall vest until approval of the preliminary plat has been given by the authority specified by this Title. Upon approval of the preliminary plat, the applicant shall have two years to obtain approval of a final plat for the subdivision or a phase thereof, which shall conform to all applicable regulations in effect at the time of preliminary

approval. In the case of phased projects, upon approval of a final plat for subdivision of the first phase thereof, the applicant shall be given three years to submit final plats for all remaining phases of the subdivision. The three years for submission of the remaining phases may be extended for an additional one-year period upon notification to and approval by the Department, provided that such notification is received at least thirty days before the expiration of the original three-year completion period. Should the above period for vesting of rights for preliminary plats expire, the applicant must then make application for reapproval of the preliminary plats in accordance with all County plans and ordinances in effect at the time of the application for reapproval.

**§ ZS 2-115. Revisions to approved plats.**

Permission for minor revisions for correction of errors on approved plats shall be granted to the certifying surveyor upon filing with the Department a statement and revised plat describing the changes. All other revisions, including but not limited to adjustment of boundary lines between two or more lots within the subdivision, elimination of lot lines for the purpose of combining two or more lots and addition of easements, shall be submitted on a revised plat prepared in accordance with rules and regulations as set forth in § 3-108 of the Real Property Article, Annotated Code of Maryland, as from time to time amended, for review by the Department. The Department shall conduct an administrative review of the changes without the necessity of referring such changes to the Planning Commission or the Technical Review Committee. Provided that such minor revisions, alterations or adjustments do not create new lots nor result in lots which are in violation of the requirements of this Article, lots which are contrary to any specific conditions imposed by the approving body as a condition of approval or lots which increase the degree of nonconformity, the Department shall approve such revised plats for recordation.

**§ ZS 2-116. Grandfathering.**

(a) Purpose and intent. It is the general intent of the County Commissioners to permit the continuation of projects for which plan approval has been given prior to the adoption date hereof under certain prior requirements so as not to cause undue hardship upon applicants and to promote orderly development of projects as previously approved.

(b) Definitions. For the purpose of this Section, the following definitions shall apply:

EFFECTIVE DATE OF THIS SUBTITLE -- \_\_\_\_\_, 200\_.

PLAN APPROVAL -- Issuance of building permit, site plan approval, preliminary plat approval, final plat approval, record plat approval, residential planned community Step I approval, residential planned community Step II approval or any other plan approval which is determined by the Department to be one of such similar nature so that the purpose and intent of this Section is fulfilled.

PROJECT -- Any proposed subdivision, development or redevelopment of land or buildings within the County.

REQUIREMENT -- Any regulation, law, requirement, criteria, standard or other regulatory imposition.

(c) Grandfathering provisions. Transitional provisions, to be known as "grandfathering" provisions, are hereby adopted. Such provisions shall be limited as follows and shall provide for the continuation of development under certain prior requirements of projects:

(1) Grandfathering provisions shall apply only to projects for which plan approval has been granted and shall be limited to:

- A. Density requirements.
  - B. Bulk requirements.
  - C. Use requirements.
  - D. Lot requirements.
  - E. Landscaping requirements.
  - F. Off-street parking requirements.
- (2) All unexpired plan approvals granted pursuant to the provisions of the Zoning and Subdivision Control Article of Worcester County, Maryland in effect at the time of said plan approval shall be considered to have received approval on the effective date of this Title with respect to the expiration of such plan approvals. Expiration of said plan approvals shall be as specified in the following Sections of the Zoning and Subdivision Control Article of the Code of Public Local Laws:
- A. § ZS 1-115(f), Building permits.
  - B. § ZS 1-116(c)(3), Special exceptions, with the exception that such approvals shall not be required to be accepted in writing by the applicant.
  - C. § ZS 1-124, Expiration of approvals and permits.
  - D. § ZS 1-315(k)(2)A.5., Step I approval of residential planned communities.
  - E. § ZS 1-315(k)(2)B.8., Step II approval of residential planned communities.
  - F. § ZS 1-325(g)(5), Site plans.
  - G. § ZS 1-337, Transient uses.
  - H. § ZS 2-403(d), Preliminary subdivision plats.
  - I. § ZS 2-404(d), Construction plans.
  - J. § ZS 2-405(g), Final subdivision plats, except that such final plat approval shall be valid for a period of two years from the effective date of this Article.
- (3) Project development may proceed in accordance with the plan approval unless such approval shall expire. In the case of expiration, reapproval shall be in conformance with all provisions of the Zoning and Subdivision Control Article in effect at the time of reapplication.
- (d) Effect of previous regulations. To the extent necessary to implement the grandfathering provisions adopted hereunder, the provisions of the Zoning and Subdivision Control Article in effect at the time of plan approval shall remain in full force and effect applicable to projects subject to any grandfathering provisions so adopted.

**§ ZS 2-117. Subdivision plat extensions.**

- (a) The Department may grant a single extension of up to two years for any subdivision plat approval in the case of extenuating circumstances beyond the applicant's control. The

extension application must be made at least thirty days prior to the expiration of the approved subdivision plat. In granting the extension, the Department may impose such conditions as may be necessary to carry out their findings made hereunder. The Department must find affirmatively all of the following:

- (1) The extension is desirable to promote the orderly development of the area where the project is located;
- (2) Failure to grant the extension will result in an impractical situation with respect to future development in the area;
- (3) The granting of the extension is in keeping with sound zoning principles and the purposes of this Title;
- (4) The applicant has made a good faith effort to complete the project within the subdivision plat approval life; and
- (5) The plat is in accordance with all County plans and ordinances in effect at the time of the application for extension.

**§ ZS 2-118. Simplified procedure for resubdivision of existing lots into fewer lots.**

Two or more adjoining lots in an existing subdivision, in single ownership, may be consolidated to create fewer lots by the elimination of interior lot lines by declaration of consolidation duly executed by the lot owner as well as all lienholders and recorded among the land records of Worcester County. The declaration of consolidation must be in a form approved by the Department and an executed copy thereof delivered to the Department and to the Assessment Office simultaneously with recording. The recording of such a declaration in such manner shall constitute a consolidation of the lots therein described for all legal purposes without the requirement for the filing of a plat. If consolidated lots are later resubdivided into two or more lots, other than as provided for in § ZS 1-305 hereof, a subdivision plat shall be submitted for review and approval and shall be in accordance with all regulations in effect at the time of resubdivision.

**SUBTITLE II  
Control, Enforcement and Penalties**

**§ ZS 2-201. Compliance required;  
exemptions; establishment**

**§ ZS 2-202. of parcels; issuance of  
permits; waivers. (pg. 15)  
Enforcing department or  
official. (pg. 16)**

**§ ZS 2-203. Violations and penalties.  
(pg. 16)**

SUBTITLE II  
Control, Enforcement and Penalties

**§ ZS 2-201. Compliance required; exemptions; establishment of parcels; issuance of permits; waivers.**

- (a) Subdivision control. It shall hereafter be unlawful to subdivide any land within the subdivision jurisdiction of the County except in accordance with the provisions of this Title. Hereafter, no subdivision plat shall be recorded by the Clerk of the Circuit Court until it has been approved as required hereby. No land in a subdivision shall be sold or offered for sale or transferred by deed, contract, will, plat or otherwise nor shall a permit or zoning/occupancy certificate be issued for a structure thereon, except in accordance with the provisions hereof.
- (b) Exemptions. Applications for exemption shall be upon forms as prescribed by the Department. Exemptions may be granted from the requirements of Subtitles III and IV hereof by the Department or the Planning Commission as specifically provided herein, in the following cases.
- (1) The division of agricultural land for bona fide agricultural purposes creating no parcel that is less than ten acres in area, including the remaining portion of the original parcel, and creating no more than three parcels total.
  - (2) Boundary line adjustments where the existing or believed boundary (or either existing or believed boundary in the case of disputes) is adjusted less than fifty feet in either direction.
  - (3) Public acquisition of land for the widening or realignment of public roads or streets by the County Commissioners or State Highway Administration.
  - (4) Actions taken to correct subdivisions created on or after July 25, 1967 and prior to September 23, 1978 and that were not in strict conformance with the requirements of the Subdivision Regulations at the time of the subdivision's creation.
  - (5) In cases where the Planning Commission determines that it is not the intent of this Title to require compliance with Subtitle III or IV, based upon exceptional conditions or circumstances where a literal enforcement hereof would result in unnecessary hardship.
- (c) Establishment of parcels. For the purposes of this Title, parcels are hereby established with boundary lines as they existed as reflected by the land records of Worcester County, Maryland, as of July 25, 1967 (the effective date of the initial subdivision regulations). It is not the intent hereof, however, to legalize or legitimize any subdivision illegally created or platted in derogation of any prior Worcester County Subdivision Regulations.
- (d) Permits not issued without plat, where required. No permit shall be issued by any administrative officer of Worcester County for the construction of any building or other improvements requiring a permit upon any land for which a plat is required by this Title unless and until the requirements of this Title have been observed.
- (e) Waivers.
- (1) The Planning Commission may not grant waivers to procedural requirements, time frames, or standards contained in this Title except where specifically provided. The Planning Commission may grant waivers to the specific minimum requirements established under this Title upon assurance by the applicant that each of the following conditions has been met:

- A. The minimum requirement, if applied to the proposed subdivision, would impose an unreasonable burden upon the applicant.
  - B. The granting of such waiver will not have a substantially adverse effect on the current or future residents of the proposed subdivision nor upon any property adjoining such proposed subdivision.
- (2) In granting any waiver from the requirements of these regulations, the Planning Commission may prescribe such conditions and safeguards as it shall deem necessary to fulfill the purpose and intent of these regulations. Violations of such conditions upon which any waiver is granted shall be deemed a violation of these regulations and punishable under the provisions hereof.
- A. The applicant, whenever possible, shall submit a request for the waiver of any minimum requirements with or prior to the submission of a preliminary plan. Such request shall be in writing and include a specific statement of the relief requested and the reasons such request should be granted. The Department may also require such plans and drawings as needed to assist the Planning Commission in reaching its decision.
  - B. The Department, upon receipt of a waiver request under this Section, shall schedule Planning Commission consideration within sixty days of receipt thereof and shall prepare a staff recommendation on the request. The Planning Commission may make a decision on the written record and may also receive testimony, if it so desires.

**§ ZS 2-202. Enforcing department or official.**

These regulations shall be enforced by such County department or official (hereinafter called the “Department”) as designated or created for such purpose by the County Commissioners. If the Department shall find that any of the provisions of these regulations are being violated, the Department shall notify, in writing, the person responsible for such violation and the property owner, if different, and take such action as may be necessary to prevent the violation of these regulations, including obtaining a court injunction to discontinue the transfer, sale or negotiations for sale of unapproved lots or parcels, or any other action authorized herein.

**§ ZS 2-203. Violations and penalties.**

- (a) Civil infraction. Anyone who, being the owner or agent of the owner of any land located within the subdivision jurisdiction of the County, violates the provisions of this Title shall be guilty of a civil infraction.
- (b) Compliance required for transfer by metes and bounds. The description of any 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.
- (c) Compliance with Planning Commission conditions. Violations by a landowner or his agent of requirements and restrictions which the Planning Commission may impose as conditions for approval of a subdivision plat shall constitute a violation hereof.
- (d) Separate offenses. The landowner, his agent or any other person who commits, participates in, assists in or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

- (e) Order to correct. To the maximum extent reasonable, the court shall order the violation removed or corrected and may issue such additional orders as the court may deem appropriate to safeguard against future violations of this Title.
- (f) Revocation of permit and other actions. Nothing herein contained shall prevent the County from revoking a permit, special exception, variance or any other approval or from taking such other lawful action as is necessary to prevent or remedy any violation of this Title.

SUBTITLE III  
**Plat Procedures for Minor Subdivisions**

- § ZS 2-301. **Purpose and intent.** (pg. 19)
- § ZS 2-302. **Procedures for submission and review of minor subdivision plats.** (pg. 19)

- § ZS 2-303. **Data and information required on minor subdivision plats.** (pg. 20)
- § ZS 2-304. **Processing of minor subdivisions as major subdivisions.** (pg. 22)

SUBTITLE III  
**Plat Procedures for Minor Subdivisions**

**§ ZS 2-301. Purpose and intent.**

The purpose of the minor subdivision review is to ensure that every new lot so created complies with applicable County regulations.

**§ ZS 2-302. Procedures for submission and review of minor subdivision plats.**

(a) Procedures for submission. The following procedures shall be used in the submission and review of plats for minor subdivisions:

- (1) The applicant shall prepare an application together with a plat prepared in accordance with the provisions of § ZS 2-303 hereof.
- (2) The applicant shall submit one copy of the executed application and four paper copies of the plat along with the appropriate review fee to the Department. The Department may at its discretion accept electronic copies of the plat.
- (3) The Department shall check the plat to determine conformance with the requirements of § ZS 2-303 hereof and:
  - A. If the submission is not complete or not in conformity, the Department may decline to accept the plat and return it to the applicant with an indication of the deficiencies; or
  - B. If the submission is complete and is in conformity, the Department may accept the application, plat and fee and begin the review process.

(b) Acceptance of plat. Upon acceptance of the minor subdivision plat, the Department shall:

- (1) Review the plat for compliance with Title 1, Worcester County Zoning Ordinance, and other applicable regulations;
- (2) Immediately forward copies to the Department of Environmental Programs for its review and report; and
- (3) Inform the applicant of the results of its review and any required changes or other approvals within thirty calendar days following the acceptance of the application. The applicant may submit a revised plat incorporating required changes and approvals.

(c) Approval of plat. Approval of the minor subdivision plat by the Department shall constitute approval by the Planning Commission.

- (1) Once approved by the Department the applicant shall provide three Mylar prints of the plat meeting the standards and specifications established by the Clerk of the Court and ten paper copies for the Department signed in black or blue ink by the property owner and qualified preparer of the plat, together with all fees for recording. When the plat has been signed by the Department of Environmental Programs, the Chairman, Vice Chairman or Secretary of the Planning Commission shall sign the plat indicating such approval. The Department shall then record the plat among the land records of Worcester County. The paper copies shall be distributed to the appropriate agencies.

- (2) Upon recording among the land records of the County, the applicant may sell, transfer or offer to sell and a permit for a structure thereon may be issued for any lot created as part of the approved minor subdivision.

**§ ZS 2-303. Data and information required on minor subdivision plats.**

- (a) Preparation of plat. All minor subdivision plats shall be prepared in accordance with the following drafting standards:
  - (1) The plat shall be drawn on sheets not smaller than eight and one-half by eleven inches and not larger than twenty-four by thirty-six inches in size. If more than one sheet is used, an index sheet or key map shall show the entire subdivision, with individual sheets keyed in numerical order.
  - (2) The plat shall be prepared by either a professional land surveyor or property line surveyor registered by the State of Maryland and shall be drawn to scale. Any new lot, including the remaining portion of the original parcel where such portion totals five acres or less in area, shall be surveyed. All horizontal dimensions shown on the subdivision plat shall be in feet and decimals of a foot to the closest one-hundredth of a foot and all bearings in degrees, minutes and seconds to the nearest ten seconds, minimum accuracy. ~~;~~ **AND ADDITIONALLY, ANY MINOR SUBDIVISION THAT RESULTS IN THE CREATION OF A NEW PUBLIC OR PRIVATE ROAD OR AN ACCESS EASEMENT SERVING GREATER THAN TWO LOTS SHALL BE TIED TO THE MARYLAND STATE PLANE COORDINATES AND SUBMITTED IN ELECTRONIC FORMAT.**
  - (3) Every record plat shall be in recordable form and shall show any new lots, including the remaining portion of the original parcel where such portion totals five acres or less in area. Where the remaining portion of the original parcel is greater than five acres in area, a general description of that portion shall be provided.
- (b) Information required on plat. The minor subdivision record plat shall contain:
  - (1) The name of the subdivision, which shall not be similar or identical to the name of any existing subdivision in the County.
  - (2) The signatures and names of all owners, which shall be printed below the signature lines.
  - (3) The signature, name, registration number, seal and mailing address of the surveyor responsible for the plat.
  - (4) The date of original preparation, date of revisions, North arrow and graphic scale.
  - (5) A vicinity map with appropriate data identifying the general location of the subdivision.
  - (6) The property lines for each lot created, including the gross area and buildable area of each new lot but not including the remaining portion of the original parcel unless the remaining portion totals five acres or less in area. Property lines shall be drawn to scale showing metes and bounds.
  - (7) The names of abutting roads or rights-of-way, if any, including the right-of-way width as listed with the Department of Public Works or State Highway Administration.
  - (8) The location, width, use and ownership of any rights-of-way or easements,

including conservation easements of any type.

- (9) Zoning (base and overlay) districts.
- (10) The total area in each proposed use.
- (11) Deed reference for the parcel being subdivided.
- (12) The tax map, parcel, tax district and tax account identification numbers of the subdivided parcel.
- (13) The name of the owner, deed reference, tax map, parcel and tax account identification numbers, zoning and use of adjoining properties should be shown in the appropriate areas.
- (14) Any existing structures within the subdivision shall be located, labeled and shown with as-built setbacks. Any animal-containment structure within the subdivision or on adjoining properties shall be located, labeled and shown with as-built setbacks. The record plat shall also show any agricultural structure or use subject to the agricultural protection setback set forth in § ZS 1-305(r) hereof that lies within two hundred feet of any new division line and any other structure within fifty feet of any new division line. All such structures shall be labeled as to the use and location, with as-built setbacks provided.
- (15) In the case where the residue parcel is less than or equal to five acres in area, the residue parcel shall be surveyed and described by the bearings and dimensions of all property lines and road frontage. In the case where the residue parcel is greater than five acres, the approximate area and road frontage of the residue parcel shall be shown.
- (16) The following statement shall appear on the plat: "Based upon the Federal Emergency Management Agency Flood Insurance Rate Map Community-panel Number 240083-\_\_\_\_\_, dated \_\_\_\_\_, this subdivision is located in zone \_\_\_\_\_."
- (17) Notations of dedications and to whom dedicated.
- (18) The following statements, either on the plat or attached to the plat. Signature blocks and statements of public agencies shall also be provided by the applicant where required:
  - A. "The grant of a permit or approval of this subdivision shall not constitute a representation, guaranty or warranty of any kind by Worcester County or by any official or employee thereof of the practicability, buildability or safety of any proposed use and shall create no liability upon the County, its officials or employees."
  - B. "Any approval by the Department of Environmental Programs of any potable water or wastewater system or suitability thereof is based upon State and County standards existing as of the date of approval. Such standards are subject to change and a permit may be denied in the future. In the event that current standards cannot be met as of the date of application for such permit, the approval shown hereon is not sufficient approval for a permit."
  - C. "The following streets, roads, amenities and improvements are hereby offered for dedication to the County Commissioners for Worcester County:

(here list). A \_\_\_\_\_-foot-wide strip across the front of \_\_\_\_\_ and the adjoining roadway is offered in dedication for the future widening of \_\_\_\_\_. Acceptance of such offer may take place at any time by appropriate act of the County Commissioners. The County Commissioners are in no way required to accept such offer. The offer may not be withdrawn without the consent of the County Commissioners."

D. "The nontidal wetlands line as delineated by \_\_\_\_\_ and dated \_\_\_\_\_ and as shown hereon has not been verified by regulatory authorities and therefore may or may not be valid for site development. At the time of site development, the nontidal wetland may be required to be verified in the field by the appropriate government agency. Development shall be required to comply with all regulations and permitting in effect at that time. Any reduction in buildable area below the statutorily prescribed minimum as a result of future regulatory verification or regulation or a change in topography may render the lot or lots as shown hereon unbuildable. The approval of this subdivision shall not constitute a representation, guarantee or warranty of any kind by Worcester County or by any official or employee thereof of the practicality, buildability or safety of any proposed use and shall create no liability upon the County, its officials or employees."

(19) The signature of the Chairman, Vice Chairman or Secretary of the Planning Commission.

(20) The signature of the appropriate designee of the State Department of the Environment.

(c) Recordation of plat. The Department shall record the record plat and forward a receipt of the recordation along with one executed paper copy to the applicant. The applicant may accompany the Department when the Department records the plat. No rights shall vest until the minor subdivision plat is recorded among the land records of Worcester County.

**§ ZS 2-304. Processing of minor subdivisions as major subdivisions.**

In the event that the Department determines that a proposed subdivision meeting the definition of a minor subdivision will or may have a major impact upon the County or surrounding properties, it may require that the subdivision be processed as a major subdivision subject to all requirements of Subtitle IV hereof. In addition, the Department may at any time it deems necessary forward a minor subdivision plat to the Planning Commission for its review and/or approval, subject to the requirements of Subtitle III.

SUBTITLE IV  
**Plat Procedures for Major Subdivisions**

- |                                                                                                                                                                                                                                                       |                                                                                                                                                                                                      |
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| <p>§ ZS 2-401. <b>General provisions.</b> (pg. 24)<br/>§ ZS 2-402. <b>Sketch plan.</b> (pg. 24)<br/>§ ZS 2-403. <b>Preliminary plat.</b> (pg. 25)<br/>§ ZS 2-404. <b>Construction plans.</b> (pg. 31)<br/>§ ZS 2-405. <b>Final plat.</b> (pg. 34)</p> | <p>§ ZS 2-406. <b>Record plat.</b> (pg. 37)<br/>§ ZS 2-407. <b>Dedication of improvements.</b> (pg. 40)<br/>§ ZS 2-408. <b>Processing of major subdivisions of twenty lots or less.</b> (pg. 40)</p> |
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SUBTITLE IV  
**Plat Procedures for Major Subdivisions**

**§ ZS 2-401. General provisions.**

- (a) The procedures contained hereinafter provide for a five-step process in the review of plats for proposed major subdivisions. These five steps consist of:
  - (1) Submission and review of a sketch plan;
  - (2) Submission and review of a preliminary plat;
  - (3) Submission and review of construction plans;
  - (4) Submission and review of a final plat; and
  - (5) Submission, review and recording of a record plat.
- (b) Submission and review of a sketch plat of a proposed major subdivision shall be optional and shall not be a prerequisite for approval of the preliminary or final plats except in the case of a cluster subdivision, where it shall be required. However, the applicant should consult with the Department, Technical Review Committee and Planning Commission on an informal basis early in the planning stages of the subdivision.
- (c) Submission and review of preliminary, final and record plats and construction plans shall all be mandatory, except that the Planning Commission, in certain cases, may grant a waiver to such submission in accordance with the provisions of § ZS 2-201(e) hereof.
- (d) The Technical Review Committee and Planning Commission may require such additional copies, information, studies, surveys, impact statements or other data, including third-party verification or additional studies as it may deem necessary and appropriate at any stage of the process, at the applicant's expense.
- (e) Subdivision applications shall be upon forms prescribed by the Department.

**§ ZS 2-402. Sketch plan.**

- (a) Purpose. The purpose of the sketch plan is to give the applicant the opportunity to consult early and informally with the Department, Technical Review Committee and Planning Commission before preparation of the preliminary plat and application. Submission of a sketch plan for informal review is strongly encouraged prior to submission of a preliminary plat. However, while the Planning Commission shall review and provide comments, there shall be no formal approval of any sketch plan. More than one sketch plan may be presented.
- (b) Procedures for submission and review of sketch plan. If an applicant chooses to exercise the sketch plan option, the following procedures shall be followed:
  - (1) The applicant shall submit ten copies of the sketch plan and application to the Department, along with any required fee. The sketch plan shall be at a readable scale and include the following:
    - A. The existing zoning, a vicinity map, the general location of existing natural and manmade features, and the Chesapeake or Atlantic Coastal Bays Critical Area boundary and designation, if applicable.

- B. A preliminary determination of sensitive areas, including but not limited to a preliminary delineation of any tidal or nontidal wetlands, a delineation of the one-hundred-year floodplain, and a forest stand delineation, particularly existing significant trees.
  - C. The general location and acreage of all proposed land uses.
  - D. A requested land use density for the total project.
  - E. A schematic plan generally identifying the proposed drainage pattern and potential stormwater management measures.
  - F. The proposed method and adequacy of wastewater disposal and potable water supply.
  - G. The proposed method of fire suppression.
- (2) If the sketch plan is so incomplete as to be meaningless, the Department may refuse to accept it.
  - (3) After the Department has reviewed the sketch plan, it may then be reviewed by the Technical Review Committee and the Planning Commission, which shall:
    - A. Provide the applicant an opportunity to be heard informally and discuss the submission with the applicant.
    - B. Evaluate the applicant's submission, presentation, the discussion with the applicant and any reports concerning the application.
  - (4) The Planning Commission and/or Technical Review Committee's review is advisory only and shall not constitute any formal approval.

**§ ZS 2-403. Preliminary plat.**

- (a) Purpose. The purpose of the preliminary plat is to provide for CONSIDERATION OF A SUBDIVISION'S DESIGN, ITS CONFORMANCE WITH THE PROVISIONS HEREOF AND ITS COMPATIBILITY WITH THE CONTEXT OF ITS SURROUNDINGS. ~~formal conditional approval and to~~ THE PRELIMINARY PLAT PROCEDURES ALLOW FOR FORMAL CONDITIONAL APPROVAL AND FOR THE DETERMINATION OF ~~determine~~ what changes and decisions must be made prior to submission of the final plat. The preliminary plat and all information and procedures shall comply in all respects with the provisions of these regulations before approval may be given.
- (b) Preliminary plat submission. The following requirements shall apply to the preparation and submission of a preliminary plat:
  - (1) The applicant shall prepare a preliminary plat in accordance with Subsection (b)(2) hereof and submit at least ten paper copies of the plat along with the original application form and any required review fee to the Department. The Department may at its discretion ALSO accept electronic copies of the plat.
  - (2) The following requirements shall apply to the preliminary plat:
    - A. Drafting standards.
      - 1. The plat shall be prepared by a either a professional land surveyor

or property line surveyor registered and licensed by the State of Maryland. The plat shall be drawn at a scale not larger than one inch equals one hundred feet on sheets not smaller than eight-and-one-half by eleven inches and not larger than twenty-four by thirty-six inches in size. All drafting and lettering on the plat shall be drawn so as to be legible if the plat should be reduced to half size.

2. All horizontal dimensions shown on the plat shall be in feet and decimals of a foot to the closest one-hundredth of a foot and all bearings in degrees, minutes and seconds to the nearest ten seconds, minimum accuracy, ~~and tied to the Maryland State Plane Coordinates~~. ADDITIONALLY, ALL MAJOR SUBDIVISION PLATS SHALL BE TIED TO THE MARYLAND STATE PLANE COORDINATES AND SUBMITTED IN AN ELECTRONIC FORMAT.
3. When more than one sheet is required, each sheet shall be numbered and shall show its relationship to the total number of sheets. In addition, an index sheet or key map shall be provided to show the entire subdivision, with individual sheets keyed in numerical order.
4. The plat shall bear an adequate legend to indicate clearly which features are existing and which are proposed.
5. The boundary line of the subdivision shall be designated and shown as a solid, heavy line.
6. When the plat is a resubdivision of a previously approved plat, dotted or dashed lines shall be used to show features or lot lines to be abandoned and such lines shall be labeled accordingly. Solid lines shall be used to show the proposed features and lot lines.

B. General information to be shown shall include the following:

1. The name of the subdivision, which shall not be similar or identical to the name of any existing subdivision in the County.
2. The name and mailing address of the owners.
3. The signature, name, registration number, seal and mailing address of the surveyor responsible for the plat.
4. The date of original preparation, date of revisions, North arrow and graphic scale.
5. The tax map, parcel, tax district and tax account identification numbers of the parcels proposed to be subdivided.
6. The current zoning and use of the area being subdivided.
7. A vicinity map showing the general location of the site to be subdivided in relation to adjoining properties, all roads, and municipal or state boundaries existing within one thousand feet of any part of the property proposed to be subdivided.
8. A general layout showing any proposed phase lines or partial platting of the subdivision.

C. Information to be shown concerning existing features shall include the following:

1. A preliminary determination of sensitive areas, including but not limited to a preliminary delineation of any tidal or nontidal wetlands and their buffers, a delineation of the one-hundred-year floodplain, a forest stand delineation and any forest conservation easements, existing significant trees, greenways, areas of critical or special habitat, source water and aquifer recharge protection areas, and the Chesapeake or Atlantic Coastal Bays Critical Area boundary and designation, if applicable.
2. A boundary survey of the property to be subdivided, showing all metes and bounds and square footage or acreage.
3. The general location, names and width of roads, the general location of adjoining property lines, and the names of owners, the tax map, parcel and tax account identification numbers, the zoning and the use of all adjoining properties shown in the appropriate areas.
4. The general location of all watercourses, stormwater management facilities or components thereof, public or private wastewater treatment, collection or disposal systems, public or private water supply and treatment systems, and similar features within two hundred feet of any part of the land to be subdivided.
5. The general location of any existing structures within the subdivision. Any animal-containment structure to be retained within the subdivision or located on adjoining properties shall also be located and labeled and shown with as-built setbacks. The plat shall also show any agricultural structure or use subject to the agricultural protection setback set forth in § ZS 1-305(r) hereof that lies within two hundred feet of any new division line and any other structure within fifty feet of any new division line. All such structures shall be labeled as to the use and location, with as-built setbacks provided.
6. The location of all existing survey monuments as determined by a surveyor licensed in the State of Maryland.
7. The general location, size and ownership of all underground utilities and any rights-of-way and easements, including any type of conservation easement, within the property.
8. Topography on two-foot contours. If filling is contemplated or required, finished grade contours shall be shown in addition to existing contours.
9. The outline of all wooded areas.

D. Information to be shown concerning the proposed layout shall be as follows:

1. The sensitive areas proposed to be retained, including the proposed methods for protection and any proposed conservation easements. Areas to be cleared shall also be shown.

2. The layout of proposed roads, including their names and widths.
3. The layout, dimensions, gross area and buildable area of each proposed lot.
4. Building setback lines and all required yards for all lots.
5. An area tabulation showing the total area of the subdivision and the total area in each proposed use, including the total number and area of lots, area of roadway, linear feet of each road, area of open space, common area, area of stormwater management, area of upland, area of tidal wetland and area of nontidal wetland.
6. Identification of any land offered for dedication for parks, schools, widening or realignment of roads or other public uses.
7. A preliminary capacity and availability analysis of water and wastewater facilities for projects proposed to be served by existing public utilities, or, where new facilities are proposed to serve the project, a preliminary feasibility analysis of wastewater disposal capabilities and potable water production. In cases where individual septic systems are proposed, the approved location of such systems shall be shown on the plat.
8. Location, dimensions and use of rights-of-way and/or easements proposed to be created for all existing and proposed utilities and stormwater management purposes.
9. Tentative typical cross-section and center-line profiles for each proposed road shown on the preliminary plat. These may be submitted as separate sheets. As an alternative to showing center-line profiles, center-line grades may be designated in the plan view on the plat for all proposed roads.
10. Where the preliminary plat covers only a part of the owner's entire holding, a sketch plan shall be submitted of the remainder and any future road layout thereon.
11. The words "Preliminary Plat -- Not To Be Recorded" shall be shown on the plat immediately above the Title.
12. A listing of any deed restrictions and covenants which would apply to the development.
13. Setback lines from tidal and nontidal waters of individual sewage disposal areas, as well as any ~~extraordinary~~ PERTINENT setbacks required by Title 1, Worcester County Zoning Ordinance.
14. Where the proposed subdivision lies partially, completely or adjacent to the one-hundred-year floodplain, the preliminary plat map shall include detailed information giving the location and elevation of proposed roads, public utilities and building sites.
15. Any proposed or required road-widening strips.
16. A preliminary drainage plan.

17. The following statements:

- (i) "Worcester County does not guarantee the development or construction of any amenities shown on this plat. All such amenities shall be the responsibility of the owner and applicant of this subdivision."
- (ii) Any other statement required by law or regulation or as a condition of the plat approval, including the following where necessary:
  - a. "The nontidal wetlands line as delineated by \_\_\_\_\_ and dated \_\_\_\_\_ and as shown hereon has not been verified by regulatory authorities and therefore may or may not be valid for site development. At the time of site development, the nontidal wetland may be required to be verified in the field by the appropriate government agency. Development shall be required to comply with all regulations and permitting in effect at that time. Any reduction in buildable area below the statutorily prescribed minimum as a result of future regulatory verification or regulation or a change in topography may render the lot or lots as shown hereon unbuildable. The approval of this subdivision shall not constitute a representation, guarantee or warranty of any kind by Worcester County or by any official or employee thereof of the practicality, buildability or safety of any proposed use and shall create no liability

18. Required information may be shown by separate sheet or overlay, with the approval of the Department.

(c) Preliminary plat review. The following procedures shall be used in the review of a preliminary plat.

- (1) The Department shall check the plat to determine conformance with the requirements of Subsection (b) hereof and:
  - A. If the submission is not complete or not in conformity, the Department may decline to accept the plat and return it to the applicant with an indication of the deficiencies; or
  - B. If the submission is complete and is in conformity, the Department may accept the preliminary plat, application, and fee and begin the review process.
- (2) The Department shall distribute copies of the submission to the Technical Review Committee, each incorporated town within one mile of the proposed subdivision and such other agencies as the Department determines appropriate.
- (3) Within sixty calendar days of acceptance of the completed submission from the applicant, the Technical Review Committee shall:
  - A. Review the applicant's submission, unless an extension of time is granted by the Technical Review Committee.

- B. Receive and review reports by the Department as well as the Department of Public Works, Department of Environment Programs, Fire Marshal's Office, Soil Conservation District, towns, utility companies and others.
  - C. Meet with the applicant to discuss the submission.
  - D. Evaluate the applicant's submission, presentation, the discussion with the applicant and any reports concerning the application.
  - E. Determine whether the preliminary plat meets the requirements of the Zoning and Subdivision Control Article and any other plans, regulations and ordinances.
  - F. Inform the applicant, in writing, of its comments regarding his application, including recommended changes, if any, and the reasons for the changes.
  - G. If, in the Technical Review Committee's judgment, the preliminary plat requires significant revisions before conditional approval can be given by the Planning Commission, it may require the applicant to submit a revised preliminary plat to the Technical Review Committee before further consideration is given to the application.
- (4) After the Technical Review Committee has reviewed and commented on the preliminary plat, the applicant shall revise the preliminary plat accordingly. Once revised, the applicant shall resubmit to the Department fifteen paper copies of the plat, along with fifteen copies of a written description of how each of the comments of the Technical Review Committee has been addressed. At least one copy of the revised preliminary plat shall have all revisions highlighted. The Department may then forward copies of the revised preliminary plat and written description to the Technical Review Committee for its review and comment. In addition, the preliminary plat application will then be scheduled for review and final action by the Planning Commission. IN ADDITION TO OTHER PERTINENT REQUIRED APPROVALS, AAN approved forest conservation plan must be obtained prior to the preliminary plat review by the Planning Commission.
- (5) Within thirty calendar days of submission of the revised preliminary plat and written description of revisions by the applicant, the Planning Commission shall:
- A. Receive and review reports by the Technical Review Committee and any other public or quasi-public agency which commented on the application.
  - B. Review the applicant's submission, unless an extension of time is granted by the Planning Commission.
  - C. Meet with the applicant to discuss the submission.
  - D. Evaluate PERTINENT INFORMATION REGARDING THE SUBDIVISION'S ON-SITE CONDITIONS AND ITS COMPATIBILITY WITH THE CONTEXT OF ITS SURROUNDINGS AS WELL AS the applicant's submission, presentation, the discussion with the applicant and any reports concerning the application.
  - E. Determine whether the preliminary plat meets the requirements of the Zoning and Subdivision Control Article and any other plans, regulations and ordinances.
  - F. Inform the applicant, in writing, of its decision regarding his application, including required changes, if any, and the reasons for the decision and/or

changes.

- G. If, in the Planning Commission's judgment, the preliminary plat requires significant revisions before conditional approval can be given, it may require the applicant to submit a revised preliminary plat before further consideration is given to the application.
- (6) If approved, copies of the preliminary plat bearing certification of such approval shall be returned to the applicant and surveyor responsible for the plats. Furthermore, copies bearing certification of such approval shall be retained by the Department and other pertinent agencies. If disapproved, the applicant shall be informed in writing of the reasons for disapproval.
- (d) Preliminary plat approval. Approval of the preliminary plat shall constitute conditional approval of the subdivision only with regard to its character and density but shall not be construed as approval of the final subdivision plat nor authorization for construction of buildings, the sale or transfer of lots, or the phasing of the subdivision. FURTHERMORE, THE APPROVAL IS NOT VALID UNTIL ALL CONDITIONS, IF ANY, ARE SATISFIED. Upon approval of the preliminary plat, the applicant shall have two years to obtain approval of a final plat for the subdivision or a phase thereof, which shall conform to all applicable regulations in effect at the time of preliminary approval. In the case of phased projects, upon approval of a final plat for subdivision of the first phase thereof, the applicant shall be given three years to submit final plats for all remaining phases of the subdivision. The three years for submission of the remaining phases may be extended for an additional one-year period upon notification to and approval by the Department, provided that such notification is received at least thirty days before the expiration of the original three-year completion period. Should this period for vesting of rights for the preliminary plat expire, the applicant must then make application for reapproval of the preliminary plat in accordance with all County plans and ordinances in effect at the time of the application for reapproval.

**§ ZS 2-404. Construction plans.**

- (a) Purpose. The purpose of the construction plan is to provide for formal approval of the plans, profiles and specifications for all improvements and construction measures and any changes thereto for the entire subdivision, including but not limited to public water supply and wastewater disposal, streets, drainage, soil erosion and sediment control, stormwater management plans and specifications, and a protection plan for forest conservation, as required by the Worcester County Code of Public Local Laws prior to or concurrent with the submission of the final plat.
- (b) Construction plan submission. No construction plans shall be accepted prior to approval of the preliminary plat. Construction plans shall conform to the approved preliminary plat. The following requirements shall apply to the preparation and submission of construction plans:
  - (1) The applicant shall prepare the construction plans and application in accordance with Subsection (b)(2) hereof and submit at least ten paper copies of the construction plans along with the original application form and any required review fee to the Department. The Department may at its discretion ALSO accept electronic copies of the plat.
  - (2) The following requirements shall apply to the construction plans:
    - A. Drafting standards.

1. The construction plans shall be drawn by an engineer or other qualified professional licensed in the State of Maryland and shall be on standard plan and profile sheets not larger than twenty-four by thirty-six inches in size.
2. All construction plans shall be drawn to a scale not smaller than one inch equals fifty feet.
3. Each sheet shall be numbered and shall show its relationship to the total number of sheets. In addition, an index sheet or key map shall be provided to show the entire subdivision, with individual sheets keyed in numerical order.
4. In any subdivision proposed to be constructed in phases, construction plans for any improvements located beyond the boundary of a particular phase but necessary for the development of that phase shall be submitted with the construction plans for that phase.
5. Topographic contour intervals shall meet the requirements of the reviewing agencies.

B. General information to be shown shall include the following:

1. The name of the subdivision as shown on the approved preliminary plat.
2. The name and mailing address of the owners.
3. The name, mailing address, registration number, signature and seal of the engineer or other qualified licensed professional responsible for the plans.
4. The date of original preparation, date of revisions, North arrow and graphic scale.
5. A vicinity map showing the general location of the site to be subdivided in relation to adjoining properties, all roads and municipal or state boundaries existing within one thousand feet of any part of the property proposed to be subdivided.
6. A general layout showing any proposed phase lines or partial platting of the subdivision.

C. Other information to be shown shall include the following:

1. Plans and profiles for all streets to be constructed or improved.
2. Plans and profiles for all public water supply and wastewater disposal systems proposed.
3. Plans and profiles, invert elevations and design calculations of sanitary sewers and stormwater management inlets.
4. Plans showing the existing and proposed drainage pattern.
5. Plans for soil erosion and sediment control measures to be

implemented.

6. Plans and construction details for stormwater management facilities and components.
7. Landscaping plans and planting details.
8. Approved forest conservation easement areas, including any signage and fencing.
9. Such other plans and/or profiles as may be required by the reviewing agencies.

(c) Construction plan review. The following procedures shall be used in the review of construction plans:

- (1) The Department shall check the submission for completeness.
  - A. If it is incomplete, the Department shall return it to the applicant and indicate deficiencies.
  - B. If it is complete, the Department shall accept the construction plans, application and fees and begin the review process.
- (2) The Department shall distribute copies of the submission to the Technical Review Committee and such other agencies as the Department determines appropriate.
- (3) Within sixty calendar days of acceptance of the completed submission from the applicant, the Technical Review Committee shall:
  - A. Review the applicant's submission, unless an extension of time is granted by the Technical Review Committee.
  - B. Determine whether the construction plans meet the requirements of the Code of Public Local Laws of Worcester County, Maryland and other plans, regulations and ordinances.
  - C. Meet with the applicant to discuss the submission.
  - D. Evaluate the applicant's submission, presentation, discussion with the applicant and the reports concerning the application.
  - E. Present comments and recommendations to the applicant and/or his engineer or other qualified professional at the meeting of the Technical Review Committee.
  - F. Inform the applicant, in writing, of its decision regarding his application, including required changes, if any, and the reasons for the decision and/or changes.
  - G. If, in the Technical Review Committee's judgment, the construction plans require significant revisions before approval can be given, it may require the applicant to submit revised construction plans before further consideration is given to the application.
- (4) If approved, copies of the construction plans bearing certification of such approval shall be returned to the applicant and engineer or other qualified licensed

professional responsible for the plans. Furthermore, copies bearing certification of such approval shall be retained by the Department and other pertinent agencies. If disapproved, the applicant shall be informed in writing of the reasons for disapproval. Any changes to the approved construction plans shall be submitted to the Department to determine their consistency and compatibility with the previously approved construction plans and the approved preliminary plat.

- (d) Construction plan approval. The construction plan's approval expires one year from the date of approval unless a record plat is recorded or unless work on improvements shown on the construction plan have actually begun on the site. The recordation of a record plat for a phase of a subdivision (or initiation of construction in a phase) does not vest the approval of the construction plans for the remainder of the subdivision. If construction plans expire, the applicant shall file application with the Department for the reapproval of the construction plans. The Department may reapprove the construction plans only when they are in conformance with all County plans, regulations and ordinances in effect at the time of application for reapproval.

#### **§ ZS 2-405. Final plat.**

- (a) Purpose. The purpose of the final plat is to provide for formal approval of plats for major subdivisions by the Department and/or Planning Commission prior to the recordation of the plats among the land records of Worcester County. The final plat shall conform to the approved preliminary plat. The final plat may cover all or a portion of the preliminary plat receiving conditional approval, provided that any portion, partial platting or phasing must generally coincide with any such phasing or partial platting as shown on the approved preliminary plat. ~~and provided further that~~ HOWEVER, the Department and/or Planning Commission may refuse to consider or give final approval to any portion, partial platting or phasing which it determines to have the effect of circumventing the provisions of the Code of Public Local Laws of Worcester County, Maryland, or other plans, regulations and ordinances in effect.
- (b) Final plat submission. The following requirements shall apply to the preparation and submission of a final plat:
- (1) The applicant shall prepare a final plat in accordance with Subsection (b)(2) hereof and submit at least ten paper copies of the final plat, three copies of the executed stormwater management plan bearing the approval of the Department as evidenced by the original signatures, the original application form and any required review fee to the Department. The Department may at its discretion ALSO accept electronic copies of the plat.
  - (2) The following requirements shall apply to the final plat:
    - A. The same drafting standards required by § ZS 2-403(b)(2)A hereof for preliminary plats shall apply to the final plat, provided that no sheet shall be smaller than eight-and-one-half by eleven inches and no sheet shall be larger than twenty-four by thirty-six inches.
    - B. The same general information as required by § ZS 2-403(b)(2)B through D hereof for the preliminary plat shall be shown on the final plat, except that the Department of Environmental Programs certification shall appear and be signed by the proper officer and the topographic contours may be deleted.
    - C. Documentation of all changes from any approved preliminary plat shall be submitted.

D. Additional information to be shown concerning the proposed subdivision shall be as follows:

1. The location of all sensitive areas, including but not limited to a delineation of any tidal or nontidal wetlands and their buffers, a delineation of the one-hundred-year floodplain, forest conservation easement areas, existing significant trees, greenways, areas of critical or special habitat, source water and aquifer recharge protection areas, and the Chesapeake or Atlantic Coastal Bays Critical Area boundary and designation, if applicable.
2. The proposed protective measures, including type, location and any easements, for sensitive areas which are not to be impacted.
3. Lot layout, including consecutive numbering of lots and the dimensions, bearings, gross area and buildable area of each lot.
4. The approved names of all proposed roads, if any.
5. Sufficient data to readily determine the location, bearing and length of every street, lot and boundary line.
6. The accurate location of all survey monuments. In addition, all survey control monuments required under § ZS 2-503(f)(3) hereof shall be shown on the plat and their location described using the Maryland State Plane Coordinates.
7. The location, width and purpose of all easements or rights-of-way and boundaries by bearings and dimensions.
8. The location and size of existing and proposed sanitary sewers and storm sewers, including the location of all manholes, inlets and culverts of the same, and the location of all existing and proposed fire hydrants and other utilities.
9. The building setback lines and required yards for each lot as specified by the Worcester County Zoning Ordinance.
10. Any proposed or required road widenings, sidewalks, pathways and bicycle facilities.
11. The location and perimeters of any future phases shown on the preliminary plat.
12. A drainage plan.
13. The final plat may include information required for the record plat, and the two may be combined.
14. The statement "Final Plat -- Not To Be Recorded" shall be shown on the plat immediately above the Title.
15. The following statements:
  - (i) "Worcester County does not guarantee the development or construction of any amenities shown on this plat. All such amenities shall be the responsibility of the owner and

applicant of this subdivision."

- (ii) Any other statement required by law or regulation or as a condition of the plat approval, including the following where necessary:
  - a. "The nontidal wetlands line delineated by \_\_\_\_\_ and dated \_\_\_\_\_ and as shown hereon has not been verified by regulatory authorities and therefore may or may not be valid for site development. At the time of site development, the nontidal wetland may be required to be verified in the field by the appropriate government agency. Development shall be required to comply with all regulations and permitting in effect at that time. Any reduction in buildable area below the statutorily prescribed minimum as a result of future regulatory verification or regulation or a change in topography may render the lot or lots as shown hereon unbuildable. The approval of this subdivision shall not constitute a representation, guarantee or warranty of any kind by Worcester County or by any official or employee thereof of the practicality, buildability or safety of any proposed use and shall create no liability
- (c) Departmental review. The Department shall check the plat to determine conformance with the requirements of Subsection (b) hereof and:
  - (1) If the plat is not complete, not in conformity or does not include the changes requested by the Planning Commission on the preliminary plat, the Department shall return it to the applicant with an indication of the deficiencies in writing; or
  - (2) If the plat is complete, in conformity and includes the changes requested by the Planning Commission on the preliminary plat, the Department shall accept the final plat and the required review fee and initiate the review process.
- (d) Technical Review Committee Review. The Department may immediately distribute copies of the plat to such members of the Technical Review Committee as may be deemed necessary and appropriate by the Department for comment or may reconvene the Technical Review Committee for review.
- (e) Approving body. In the case where the final plat is in conformance with the approved preliminary plat, the Department shall have the authority to review and approve the final plat. Within thirty days of acceptance of the final plat the Department shall either approve it or, at its discretion, refer the final plat to the Planning Commission for their review and action.
  - (1) Within thirty calendar days following the referral by the Department, the Planning Commission shall:
    - A. Receive and review reports and recommendations by the Department as well as the Department of Public Works, Department of Environmental Programs, Fire Marshal's Office, Soil Conservation Service, towns, utility companies and others, if appropriate.
    - B. Review the applicant's submission to determine its consistency with the

approved preliminary plat.

- C. Meet with the applicant to discuss the submission.
  - D. Evaluate the applicant's submission, presentation, the discussion with the applicant and any reports concerning the application.
  - E. Determine whether the final plat meets the requirements of the Zoning and Subdivision Control Article and any other plans, regulations and ordinances, including any necessary Critical Area program approvals, inclusion in the Worcester County Comprehensive Plan for Water and Sewerage Systems, and wetland impact permits, where necessary.
  - F. Inform the applicant, in writing, of its decision, including required changes, if any, in the final plat and the reasons for the decision and/or changes.
- (2) Failure of the approving body to act within thirty days of complete submission of the final plat and all revisions complying herewith shall in no way constitute approval of the plat and shall not release the applicant from any provision of this Title.
- (f) Final plat to be provided. If approved, copies of the final plat bearing certification of such approval shall be returned to the applicant and surveyor responsible for the plans. Furthermore, copies bearing certification of such approval shall be retained by the Department and other pertinent agencies. If disapproved, the applicant shall be informed in writing of the reasons for disapproval.
- (g) Period of approval. Final plat approval shall be valid for two years from the approval date. At the time of the initial final plat approval only and upon the request of the applicant, the Planning Commission may lengthen the approval life by up to an additional two years. During the life of the approval, the applicant shall have vested rights with respect to final plat approval and to proceed to record plat. Should this period for vesting of rights for the final plat expire, the applicant must then make application for reapproval of the final plat in accordance with all County plans and ordinances in effect at the time of the application for reapproval. In the event that recordation of the record plat is delayed by appeal of the final plat approval to court or administrative action against the applicant, the Planning Commission may extend the life of the final plat approval. Administrative action against the applicant shall not include the failure to grant an extension or reapplication of any approval or failure to take any other action but shall instead refer to the actual initiation or taking of a specific action by the agency or body.

**§ ZS 2-406. Record plat.**

- (a) Purpose. The purpose of the record plat is to acknowledge the approval of a subdivision of land and to legally accomplish the act of dividing that land by recording among the land records of Worcester County a graphic representation of said subdivision.
- (b) Record plat submission. Prior to submission of the record plat the applicant shall have constructed and received approval of required site improvements or entered into a written guaranty that such site improvements shall be constructed as specified in § ZS 2-504 hereof. Not less than sixty days prior to the expiration of the final plat approval, the record plat shall be submitted. The following requirements shall apply to the preparation and submission of a record plat:
  - (1) The applicant shall submit three Mylar prints (suitable for recording), ~~and~~ ten paper copies ~~and an electronic file~~ of the record plat, with funds for recordation.

No sheet shall be smaller than eight-and-one-half by eleven inches nor larger than twenty-four by thirty-six inches in size. Such plats shall bear all required signatures in black or blue ink. The signatures on the Mylar plats shall be original and the names of all signatories shall be printed below the signature line. AN ELECTRONIC FILE OF THE RECORD PLAT SHALL ALSO BE SUBMITTED AND SHALL BE OF THE SUBDIVISION IN ITS ENTIRETY IN A FORM AND FORMAT ACCEPTABLE TO THE DEPARTMENT.

- (2) The record plat shall be clear and legible black line on Mylar and shall, unless otherwise provided, be an exact copy of the final plat approved by the Planning Commission.
- (3) All information which is required on the final plat, with the exception of the statement regarding the final plat, shall be required on the record plat, and in addition the following shall be required:
  - A. Seal. The name, mailing address, license number, seal and signature of the surveyor licensed in Maryland responsible for the plat.
  - B. Acknowledgments.
    1. Owner's certification. A statement to the effect that the applicant is the legal owner of the subdivision shown on the record plat and that it is made with his or their consent and that it is desired to record the same. Such owner's certification shall read as follows: "The subdivision of land as shown on this plat is with free consent and in accordance with the desires of the owners, proprietors, and trustees, if any, thereof. The requirements of § 3-108 of the Real Property Article of the Annotated Code of Maryland (1981), as from time to time amended, as far as they relate to the making of this plat and the setting of markers have been complied with."
    2. Surveyor's certification.
      - (i) A statement to the effect that the surveyor has complied with all State and local requirements for the making of the plat and the setting of markers. Such surveyor's certification shall read as follows: "I hereby certify, to the best of my knowledge and belief, that the requirements of § 3-108 of the Real Property Article of the Annotated Code of Maryland (1981), as from time to time amended, concerning the making of this plat and the setting of markers as well as all of the requirements of the County Commissioners and the Code of Public Local Laws of Worcester County, Maryland, regarding the platting of subdivisions within the County have been complied with."
      - (ii) The statement shall be signed and dated by the professional land surveyor or property line surveyor who prepared the plat. The surveyor must be licensed to prepare such plats in the State of Maryland. The name and license number of the surveyor shall be printed below the signature line.
  - C. Signatures. The following original signatures shall be placed directly on the plat in ink:
    1. The signature of the legal owner (or owners) of the land in the form

specified in Subsection (b)(4)B.1. hereof.

2. The signature of the licensed surveyor who prepared the plat in the form specified in Subsection (b)(4)B.2. hereof.
3. The signature of the Chairman, Vice Chairman or Secretary of the Planning Commission.
4. The signature of the appropriate designee of the State Department of the Environment.

D. The following statements:

1. "The grant of a permit or approval of this subdivision shall not constitute a representation, guaranty or warranty of any kind by Worcester County or by any official or employee thereof of the practicability, buildability or safety of any proposed use and shall create no liability upon the County, its officials or employees."
2. "Any approval by the Department of Environmental Programs of any potable water or wastewater system or suitability thereof is based upon State and County standards existing as of the date of approval. Such standards are subject to change and a permit may be denied in the future. In the event that current standards cannot be met as of the date of application for such permit, the approval shown hereon is not sufficient approval for a permit."
3. "The following streets, roads, widening strips, amenities and improvements are hereby offered for dedication to the County Commissioners for Worcester County: (here list). Acceptance of such offer may take place at any time by appropriate act of the County Commissioners. The County Commissioners are in no way required to accept such offer. The offer may not be withdrawn without the consent of the County Commissioners."
4. "Worcester County does not guarantee the development or construction of any amenities shown on this plat. All such amenities shall be the responsibility of the owner and applicant of this subdivision."
5. Any other statement required by law or regulation or as a condition of the plat approval, including the following where necessary:
  - (i) "The nontidal wetlands line as shown hereon has not been verified by regulatory authorities and therefore may or may not be valid for site development. At the time of site development, the nontidal wetland may be required to be verified in the field by the appropriate government agency. Development shall be required to comply with all regulations and permitting in effect at that time. Any reduction in buildable area below the statutorily prescribed minimum as a result of future regulatory verification or regulation or a change in topography may render the lot or lots as shown hereon unbuildable. The approval of this subdivision shall not constitute a representation, guarantee or warranty of any kind by Worcester County or by any official or employee thereof of the practicality, buildability

or safety of any proposed use and shall create no liability

- (5) The Department shall record the record plat within thirty days of approval and forward a receipt of such recordation to the applicant. The applicant may accompany the Department in recording the plat.
- (6) If the approval of the final plat upon which the record plat is based shall expire before the record plat is approved by the Department, the record plat shall also be considered to have expired and such plat shall become null and void.

**§ ZS 2-407. Dedication of improvements.**

Any improvements or amenities shown on a record subdivision plat may or may not be offered for dedication to the County. However, with the exception of approved private roads, all roads shall be offered for dedication. When improvements and amenities are offered for dedication, a formal statement of offer shall be included on the record plat, as described in § ZS 2-406 (b)(3)D.3. hereof. Recording of the record plat containing such a formal statement shall not be deemed to constitute or effect an acceptance by the County of the dedication of any road, park or other improvement or amenity shown on such plat but improvements so noted for dedication may be accepted by the County through a subsequent appropriate act. Any such offer of dedication may not be withdrawn without consent of the County Commissioners. A plat may be recorded without an offer of dedication provided that the Planning Commission has approved there being no offer of dedication and that a statement is included on the record plat stating that such improvements have not been offered for dedication to the County and furthermore stating who specifically is responsible for construction and maintenance of all improvements and amenities.

**§ ZS 2-408. Processing of major subdivisions of twenty lots or less.**

Major subdivisions, as defined by § ZS 2-104 hereof, of twenty lots or less shall not be required to obtain Planning Commission review or approval as set forth in §§ ZS 2-403, ZS 2-404 and ZS 2-405 hereof. All other requirements of the Subdivision Regulations with respect to submission, review and periods of approval as contained herein shall remain in effect. In the case of a major subdivision of twenty lots or less, the Department, after review by the Technical Review Committee, shall have the authority to approve the preliminary plat, whereupon the applicant may then proceed in accordance with the procedures required for construction plan approval, final plat approval and recordation of the record plat. If the final plat varies from the approved preliminary plat, the Department shall submit the revised final plat to the Technical Review Committee for its review and shall only act to approve the revised final plat after the comments of the Technical Review Committee have been adequately addressed. In the event that the Department determines that the proposed subdivision will or may have a major impact upon the County or surrounding properties, it may require Planning Commission review and approval of the subdivision.

**SUBTITLE V  
Standards**

- § ZS 2-501. Suitability of land for development. (pg. 42)**
- § ZS 2-502. General standards and design requirements. (pg. 42)**
- § ZS 2-503. Required improvements for major subdivisions. (pg. 52)**

- § ZS 2-504. Improvement guaranties for major subdivisions. (pg. 54)**
- § ZS 2-505. Acceptance of improvements by County for major subdivisions. (pg. 55)**

SUBTITLE V  
Standards

**§ ZS 2-501. Suitability of land for development.**

- (a) Intent. In order to provide for the health, safety and welfare of the present and future population of the County, the Planning Commission shall ~~refuse to~~ ONLY approve ~~any~~ A proposed subdivision when such subdivision would NOT bring about the development of land which is unsuitable due to flooding, poorly drained soils, excessive erosive action by water, unstabilized slope or fill, or other conditions which may cause danger to life, health or property or aggravate erosion or flood hazards or when the lands involved would, in its opinion, become unsuitable through the development proposed. Additionally, the Planning Commission shall ~~refuse to~~ ONLY approve ~~any~~ A proposed subdivision where it finds that such subdivision would bring about the development of land which is NOT of such high environmental sensitivity that its development would have undue adverse impacts upon tidal or nontidal wetlands, the one-hundred-year floodplain, forest stands, existing significant trees, greenways, areas of critical or special habitat, and source water and aquifer recharge protection areas.
- (b) Facilities and services required. The Planning Commission shall ~~refuse to~~ ONLY approve ~~any~~ A proposed subdivision where it determines that insufficient facilities and services exist or are proposed to meet the needs of either the subdivision or the surrounding area.
- (c) Approval not required. The fact that a subdivision is a permitted use or special exception use in a given zoning district under Title 1, Worcester County Zoning Ordinance, does not require the Planning Commission to approve a subdivision plat and such approval may be denied pursuant hereto.

**§ ZS 2-502. General standards and design requirements.**

- (a) Application of standards. The standards and requirements provided herein shall be considered to be the minimum necessary to protect the public health, safety and general welfare. No subdivision of land shall be approved unless it complies with the standards herein or unless a waiver is granted in accordance with the provisions hereof.
- (b) General standards. In order to provide for more efficient use of land, protection of the environment, more livable communities, and consistency with the Comprehensive Plan, the following design standards shall apply:
  - (1) ~~All development plans~~ SUBDIVISION PLATS shall first identify key environmental features and then design the development plan in such a manner as to protect and avoid disturbance of these resources. Special consideration shall be given to wetlands, forested areas, existing significant trees, flood plains, source water and aquifer recharge protection areas, areas of critical habitat and other important environmental features.
  - (2) Lands which are unsuitable for development due to flooding, poorly drained soils, excessive erosive action by water, unstabilized fill or slope or other conditions which may cause danger to life, health or property shall be set aside on the plat for open space or appropriate recreation areas which will not be endangered by such conditions and which do not involve the construction or use of buildings or structures for human occupancy.
  - (3) Existing forested and natural areas ~~shall~~ SHOULD be preserved as greenways to the greatest extent feasible within and around developments for environmental and recreational purposes and to blend the manmade and natural environments.

- (4) Where scenic vistas, historic features or similar other assets and landmarks are located within a proposed subdivision, every reasonable means shall be ~~provided~~ **UNDERTAKEN** to preserve these features.
  - (5) Residential land uses shall be clustered to the greatest extent feasible to minimize the consumption of vacant land, maximize open space and reduce impervious surfaces.
  - (6) The use of culs-de-sac and dead end streets shall be limited while street, trail and sidewalk connectivity shall be used to reduce vehicle miles traveled and improve community walkability.
  - (7) All portions of a tract being subdivided ~~within the subdivision~~ shall be taken up in lots, roads, public or commonly-owned lands or other proposed uses so that remnants shall not be created.
  - (8) The provisions set forth in any plans duly adopted by the County Commissioners as provided for in § ZS 1-118(b)(11) hereof shall apply to any subdivision of land, including a minor subdivision, for which any portion of the subdivision falls within the geographical parameters of said plans.
  - (9) Any phasing of a subdivision shall be planned in a logical sequence and each phase shall meet all pertinent requirements, either on their own or in conjunction with prior phases.
- (c) Standards for roads. The following standards shall apply to the layout of roads:
- (1) The arrangement, character, extent, grade, width and location of all roads shall be acceptable to the Department of Public Works and approved by the Planning Commission. In making its decision the Planning Commission shall consider the relationship of the proposed roads to existing and planned roads, topographical conditions, public convenience and safety and the proposed uses of the land to be served by such roads.
  - (2) Right-of-way.
    - A. Unless otherwise prescribed in the Worcester County Development Standards, minor roads shall have a minimum right-of-way width of fifty feet. Collector roads, as determined by the Planning Commission, shall have a right-of-way width of sixty feet, except that the Planning Commission may require a collector road in a commercial or industrial area to have a right-of-way of up to one hundred feet in width.
    - B. Where a subdivision is created adjoining an existing County road, lot lines of the subdivision shall be established twenty-five feet from the center of such existing County road, provided that the Planning Commission may, after study and in its discretion, require lot lines to be established more than twenty-five feet from the center of such existing County road in consideration of traffic conditions, adjoining land uses and the public interest. The applicant and/or owner shall dedicate to the County any land lying between such existing County road and the newly established lot lines.
  - (3) If other roads are already planned, existing or platted in areas adjacent to the land being subdivided, the proposed road layout of the subdivision shall provide for the continuation of and connection to those other roads, unless the Planning

Commission deems the continuation and connection unsuitable for reasons of topography, environmental features or design.

- (4) If a portion of the tract proposed to be subdivided is to be left undeveloped, the road layout of the portion proposed to be subdivided shall provide for suitable connection or extension of its roads to the undeveloped portion of the tract in order to provide appropriate access for the undeveloped portion's potential subdivision or development.
- (5) If a property adjacent to the tract proposed to be subdivided is undeveloped, the road layout of the property proposed to be subdivided shall provide for suitable connection or extension of its roads to the adjacent undeveloped property in order to provide appropriate access for that undeveloped property's potential subdivision or development.
- (6) Layout.
  - A. Residential roads shall be laid out to provide connectivity for the local population's use in traveling both within the development and to areas outside of it while also not encouraging their use by inappropriate through traffic whose origins and destinations lie beyond the immediate area.
  - B. Layout of roads shall seek to minimize the number of individual access points on collector roads.
  - C. Layout of roads shall be designed in such a way as to accommodate bicycle and pedestrian connectivity while minimizing potential points of conflict between motorized vehicles, bicycles and pedestrians.
- (7) Culs-de-sac and dead end streets.
  - A. The use of culs-de-sac or dead end streets shall be limited. However, where no other alternative is available due to natural features, the unique configuration of the property, or other physical conditions beyond the applicant's control, culs-de-sac and dead end streets may be used upon the approval of the Planning Commission. Such culs-de-sac and dead end streets shall be designed in accordance with the Worcester County Development Standards.
  - B. Dead-end streets shall terminate in a cul-de-sac or other appropriate vehicular turnaround as approved by the Planning Commission and in accordance with the Worcester County Development Standards.
  - C. No cul-de-sac or dead end street shall exceed seven hundred and fifty feet in length.
  - D. No cul-de-sac or dead end street shall serve more than twenty lots or dwelling units.
  - E. The cul-de-sac or dead end street shall be laid out to intersect as nearly as possible at right angles to the collector street. Where not intersecting at right angles, such angle shall not be less than eighty degrees.
  - F. The minimum length of the tangent section of a cul-de-sac or dead end street adjacent to its intersection with the collector street shall be fifty feet.
  - G. When a cul-de-sac or dead end street is extended, the area of the

temporary turnaround shall be reconstructed by the applicant as necessary to provide a typical roadway section meeting current standards.

- (8) Loop streets shall be permitted, subject to all other provisions of this Section and provided that:
    - A. The loop street shall be laid out to intersect as nearly as possible at right angles to the collector street. Where not intersecting at right angles, such angle shall not be less than eighty degrees.
    - B. The minimum length of the tangent section of a loop street adjacent to its intersection with the collector street shall be fifty feet.
  - (9) Design standards.
    - A. Road pavement widths, drainage and construction shall adhere to the minimum standards specified in the Worcester County Development Standards, unless otherwise prescribed by the Department of Public Works.
    - B. Roads shall be constructed under the supervision of the Department of Public Works and shall be subject to periodic inspection during construction.
  - (10) The name of any proposed road shall not be the same as the name of an existing road in the County, except that roads that are extensions of or obviously in alignment with existing roads shall bear the same names as the existing roads.
- (d) Standards for road intersections. The following standards shall apply to the layout of road intersections, subject to Planning Commission waiver or modification in individual cases:
- (1) Intersections involving the junction of more than two roads shall be prohibited.
  - (2) Roads shall be laid out to intersect as nearly as possible at right angles and no road shall intersect another at an angle of less than eighty degrees.
  - (3) The corners of the pavement surface at intersections shall be rounded by a radius of at least twenty feet.
  - (4) No road intersection right-of-way shall be within five hundred feet of the right-of-way of another road intersection.
  - (5) Road jogs with right-of-way lines which are less than five hundred feet apart shall not be made.
- (e) Standards for ingress and egress.
- (1) The Planning Commission shall have the right to approve or disapprove any point of ingress and egress to any lot, tract, parcel or development from any road when the Planning Commission determines that such point of ingress and egress shall cause or contribute to an inadequate level of service, dangerous condition, inadequate sight distance, or other inappropriate condition on the road. Where such point of access is on a road controlled by the Maryland State Highway Administration, all decisions relative to access thereto shall be made in consultation with the State Highway Administration.
  - (2) Where a subdivision abuts or contains an existing or proposed major highway, limiting access to such highway and maintaining its levels of service shall be the

primary consideration. The Planning Commission shall require internal street designs which limit points of access to the highway, which may include but are not limited to the following:

- A. Streets parallel to the highway, with the lots located between the roads, provided that landscaping which functions as a visual screen in accordance with the provisions of § ZS 1-322(e)(1) hereof is provided in a non-access easement along the portion of the lots adjacent to the highway.
  - B. Streets parallel to the highway, with a limited number of short dead-end streets having terminal lots backing to the highway, provided that landscaping which functions as a visual screen in accordance with the provisions of § ZS 1-322(e)(1) hereof is provided in a non-access easement along the portion of the lots adjacent to the highway.
  - C. Such other treatment as may be necessary for adequate protection of properties and motorists and to afford separation of through and local traffic.
- (f) Standards for pedestrian connectivity. Sidewalks or other pedestrian pathways may be required by the Planning Commission adjacent to all roads. They shall be designed to provide pedestrian connectivity within the development and to areas outside of it while minimizing potential points of conflict with motorized vehicles. Sidewalks and other pedestrian pathways shall be surfaced with durable materials and designed to drain appropriately. Except as provided in (g) hereof, all impervious sidewalks or pathways shall be no more than three feet in width while pervious walkways may be of greater width.
- (g) Standards for bicycle pathways. Bicycle pathways may be required by the Planning Commission adjacent to all roads. They shall be designed to provide connectivity within the development and to areas outside of it while minimizing potential points of conflict with motorized vehicles. Bicycle pathways may be part of the paved road surface where appropriately marked or may be physically separated from the road on their own alignment. Bicycle pathways shall be surfaced with durable materials and designed to drain appropriately. All impervious bicycle pathways shall be no more than six feet in width while pervious bicycle pathways may be of greater width. Bicycle pathways may only be combined with sidewalks and pedestrian pathways in limited situations and only upon the granting of a waiver by the Planning Commission. Combined pedestrian and bicycle pathways shall be a minimum of ten feet in width and shall be appropriately marked.
- (h) Standards for blocks. The following standards shall apply to the layout of blocks:
- (1) Block lengths shall be designed so as to provide adequate internal accessibility to all property but shall not exceed one thousand feet in length.
  - (2) Blocks shall be wide enough to allow for two tiers of lots, except where topographic or other conditions make two tiers of lots awkward or impractical.
- (i) Standards for lots. The following standards shall apply to the layout of lots:
- (1) Wherever practical, no new property line shall cross existing zoning lines in order to avoid split zoning of the new lot.
  - (2) All lots shall at a minimum conform to the lot requirements established for the proposed use by Title 1, Worcester County Zoning Ordinance, and lot remnants which do not meet those requirements are prohibited.
  - (3) Shape of lots.

- A. The arrangement and shape of lots shall provide appropriate sites for buildings and conform to the requirements of this Title. Lots shall provide a buildable area of at least two thousand five hundred square feet in size. Irregularly-shaped lots shall be avoided wherever possible.
  - B. Side lot lines shall be approximately at right angles or approximately radial to the street line.
- (4) All new lots shall have a minimum of thirty-five feet of frontage on a public or approved private road unless otherwise approved by the Board of Zoning Appeals as a variance pursuant to the provisions of § ZS 1-306(a) of the Worcester County Zoning Ordinance.
  - (5) Through lots shall be avoided, except where essential to provide separation of residential development from major streets or to overcome irregular topography.
  - (6) Lots or parcels not in conformity with this Title may be resubdivided and redeveloped in whole or part at the option of the owners of all the lots to be resubdivided under the following conditions:
    - A. The resubdivision shall result in improvement to the lot layout and street connection.
    - B. The resubdivision shall be reviewed and approved in compliance with this Title.
    - C. A resubdivision which consists only of the alteration or adjustment of lot lines between two adjacent lots shall comply with the standards contained in Subsection (i) hereof and be reviewed and approved in accordance with § ZS 2-115 hereof.
  - (7) All land being subdivided must either be included in lots meeting the minimum requirements for their intended use, reserved for future development or be set aside for other appropriate uses of benefit to the subdivision in its entirety, including but not limited to open space, recreational areas, conservation areas, utility facilities, etc. AND SHALL BE IN ACCORDANCE WITH THE FOLLOWING:
    - A. Where lots or parcels are to be transferred to an owners association, such organizations shall be created concurrent with recordation of the record plat.
    - B. Where transfer (other than the sale of subdivision lots to prospective buyers) is to be to another property owner or entity, satisfactory evidence of agreement to the transaction by all parties shall be submitted prior to record plat approval.
    - C. Where transfer of land (other than road right-of-way or utilities facilities) consists of dedication to Worcester County, such dedication shall be subject to the separate, specific approval of the County Commissioners.
- (j) Standards for flag lots. The following standards shall apply to the layout of flag lots:
- (1) No more than twenty percent of all lots within any major subdivision shall be flag lots.
  - (2) The minimum width of the flagpole portion of a lot shall be thirty-five feet.

- (3) Where the flagpole portion of a lot is less than the minimum required lot width, that portion of the lot shall not be included in calculating the area of the lot to meet minimum lot area requirements.
  - (4) Minimum setbacks for buildings shall be measured exclusive of the flagpole portion of a lot.
  - (5) No structure, whether main or accessory, shall be erected nearer to the edge of the flagpole portion of the lot than ten feet.
  - (6) The flagpole portion of a lot shall be a fee simple part of the lot.
  - (7) Flaglots may share a common driveway with other lots which shall be constructed and stabilized in such a manner as to provide for safe ingress and egress by emergency vehicles. In such case cross easements shall be provided to guarantee access to all of the lots served by that driveway.
  - (8) The record plat shall note each flag lot driveway as "privately owned and privately maintained by the lot owners served."
- (k) Standards for utilities.
- (1) The following standards shall apply to utilities proposed to serve lots in a subdivision:
    - A. All utility lines, including but not limited to water, wastewater, gas, electric, telephone and cable television, shall be located underground throughout all subdivisions. All underground utility lines, including service connections to the property line of each platted lot, shall be installed at no expense to the County.
    - B. Subject to applicable construction standards as established by resolution of the County Commissioners, utility lines may be located underground within the right-of-way provided that:
      1. Only water and wastewater lines and crossovers for other utilities may be located within the paved section of the right-of-way.
      2. Electrical and gas utilities shall be located at least ten feet beyond the paved section.
      3. In the case of utility lines in the paved section, all required laterals must be provided upon initial installation of the utility line. This shall not prohibit later installation of laterals upon replatting or changes in service.
      4. No utility structures or other obstructions may be located within fifteen feet of a fire hydrant.
    - C. Easements shall be required for proposed drainage and utilities where necessary.
  - (2) The applicant shall provide such drainage facilities as may be required by the Department, the Planning Commission or the Department of Public Works in order to provide positive drainage at all points along roads and away from buildings and on-site wastewater disposal systems and to minimize flooding or other hazards. All drainage facilities shall be part of the overall stormwater management plan for the

developed area. All stormwater management plans shall be designed and all facilities constructed in accordance with the most recent laws and regulations as required by the State of Maryland. All stormwater management retention or detention ponds shall be on outlots and shall not be included on or as part of a residential lot. Appropriate access and maintenance easements shall be provided along all natural watercourses or drainageways.

- (3) A central or individual water supply system in accordance with State Department of the Environment regulations shall be available or feasible on each developable lot created. Furthermore:
  - A. If a new central water system or connection to an existing system is proposed rather than provision of wells on individual lots, the applicant shall present a preliminary engineering analysis showing its engineering and economic feasibility, general type, size and location of facilities such as wells, storage tanks, mains, etc., and details of the operation and maintenance of the proposed system.
  - B. In subdivisions with central wastewater disposal systems, the use of individual wells to provide POTABLE water is strongly discouraged.
  - C. In subdivisions with central water systems, a fire main system with hydrants or comparable fire protection facilities as required by the Office of the Fire Marshal shall be provided.
  - D. In major subdivisions where lots are to be served by individual wells, appropriate fire protection measures may be deemed necessary by the Office of the Fire Marshall and, if so, shall be provided by dry fire hydrants or other methods acceptable to the Office of the Fire Marshal.
- (4) If a central wastewater disposal system is not provided, a proposed subdivision shall not be approved unless every developable lot thereon is capable of supporting an on-lot wastewater disposal system meeting the requirements of the State Department of the Environment regulations. The proposed type and location of the wastewater disposal system on each lot shall be subject to approval by the Department of Environmental Programs. A subdivision shall not be approved by the Planning Commission if, in the opinion of the Department of Environmental Programs, there are on-site factors inherent in drainage, soil character or other conditions that would tend to produce public health problems if the subdivision were not served with a central wastewater system.
- (l) Standards for erosion and sediment control. In addition to complying with State regulations on controlling erosion and limiting sediment transport during the construction process, the applicant shall provide such permanent works as may be required by the Department of Public Works to prevent future erosion or sedimentation of roadside drainage facilities.
- (m) Standards for open space and recreational areas. For all proposed subdivisions, local, easily accessible and usable open space and recreational areas shall be provided. Their purpose is to offer recreational opportunities close to home, to enhance the appearance of neighborhoods through preservation of natural green spaces and to counteract the effects of suburban congestion and monotony. The following standards shall apply to open space and recreational areas:
  - (1) For single-family minor subdivisions, including rural cluster subdivisions, and single-family major subdivisions of twenty or fewer lots other than as provided in Subsection (m)(3) hereof, including consolidated development rights subdivisions,

no open space or recreational area shall be required.

- (2) For multi-family and two-family subdivisions of twenty or fewer dwelling units, no open space and recreational area shall be required.
- (3) For single-family cluster subdivisions, regardless of the number of lots, a minimum of fifty percent of the land area shall be retained in permanent open space.
- (4) For single-family major subdivisions of more than twenty lots, one thousand square feet of open space and recreational area per proposed lot shall be required.
- (5) For multi-family and two-family subdivisions of more than twenty dwelling units, three hundred square feet of open space and recreational area per proposed dwelling unit of the first fifty dwelling units and an additional two hundred square feet of open space and recreational area per proposed dwelling unit in excess of fifty dwelling units shall be required. No recreational area shall be required to exceed thirty percent of the total area of the development.
- (6) All open space and recreational areas shall be on outlots and in accordance with the following provisions:
  - A. Open space and recreational areas shall not include utility and other service areas, roads, and off-street parking and loading areas, except underground utility areas. Where possible, those areas contained in the one -hundred-year floodplain should be dedicated as open space or recreational areas. Within such landscaped open space there shall be provided commonly owned areas to serve as recreational areas for games, sports, social gatherings, etc. Such recreational areas shall consist of contiguous lands not containing any wetlands, tidal or nontidal, and be of sufficient configuration as determined by the Department or the Planning Commission that they can suitably function for the purposes stated herein. All recreational areas shall be separated from any adjacent vehicular travelway or parking area by a vegetated or manmade barrier. Proposed recreational areas must be specified on the subdivision plat or site plan for review and approval by the Planning Commission.
  - B. A maximum of fifty percent of the required open space may be comprised of tidal or nontidal wetlands.
  - C. Active and passive recreational areas are to be readily accessible to all residents of the development.
  - D. Open space and recreation areas used for other than conservation shall be appropriately maintained. The applicant shall provide copies of deeds, deed covenants or open space easements to the Planning Commission describing land management practices and responsibilities (including collection of fees where appropriate) to be followed by whichever party is responsible for maintenance. Where required by the Planning Commission, a homeowners association shall be established for the purpose of permanently maintaining all open space and recreational facilities. Agreements concerning such homeowners association agreements shall guarantee continuing maintenance of all open space and recreational areas, shall be submitted to the County prior to the issuance of any building permits and are subject to the approval of the County Attorney for legal sufficiency, as are any subsequent changes or modifications. Copies of all such recorded documents shall be provided by the applicant to the Department upon recording. The agreements and covenants shall contain a provision for

maintenance of such open space and recreational areas by the County Commissioners at their option where the responsible party fails to properly maintain such open space. Any funds expended for such maintenance by the County Commissioners shall be assessed pro rata against benefitted lot or dwelling unit owners and shall be a lien and collectable in the same manner as real estate taxes.

- E. Further subdivision of open space or its use for other than active or passive non-commercial recreation, conservation or agriculture (except for easements for underground utilities) shall be prohibited. This restriction shall be included on the record plat or approved site plan as well as recorded in a open space easement. Structures and buildings accessory to active or passive non-commercial recreation, conservation or agriculture may be erected on open space, subject to the provisions of § ZS 1-325 hereof.
- (7) The Planning Commission may grant waivers to this Subsection where it determines that conditions exist such that the full provisions for open space and recreational areas as required by this Subsection are otherwise satisfied. The Planning Commission shall consider proximity to public open spaces and recreational areas, lot size and other appropriate factors.
- (n) Standards for public dedications. The following standards shall apply to public dedications proposed in conjunction with a subdivision:
  - (1) In subdividing property, consideration shall be given to suitable sites for parks, schools, roads and other areas of public use as contained in the Comprehensive Plan. If sites for parks, schools or other public facilities are to be offered for dedication, it shall be indicated on the preliminary plat along with a determination as to when and in what manner such sites will be dedicated to, reserved for or acquired by the governing body for that use. When such sites are offered for dedication a formal statement of offer shall be included on any record plat. Recording of the record plat containing such a formal statement shall not be deemed to constitute or effect an acceptance by the County of the dedication of any site, road, park or other improvement or amenity shown on such plat but improvements so noted for dedication may be accepted by the County through a subsequent appropriate act. Any such offer of dedication may not be withdrawn without the consent of the County Commissioners. This regulation shall not be construed to preclude the dedication of property for public use not included in the Comprehensive Plan, provided that such property is accepted by the County for dedication and maintenance.
  - (2) Road right-of-way additions.
    - A. Where the Comprehensive Plan indicates a proposed right-of-way greater than that existing along the boundaries of a subdivision or lot, the additional right-of-way shall be dedicated for public use when the plat is recorded.
    - B. When a new subdivision abuts one side of an existing or platted road or street, the applicant shall be required to dedicate at least half the right-of-way necessary to make the street comply with the minimum right-of-way width prescribed by this Title.
- (o) Standards for landscaping. Landscaping shall be required in all subdivisions in accordance with the provisions of § ZS 1-322 hereof. In addition, sufficient landscaping shall be provided and maintained to create a pleasant visual appearance, to visually screen

undesirable features and to control erosion.

- (p) Standards applying in floodplain areas. The provisions of the Worcester County Floodplain Management Law shall govern. The following standards shall also apply:
- (1) Where property proposed for subdivision contains areas both within and outside of the boundary of the one-hundred-year floodplain, those areas contained within the one-hundred-year floodplain should be dedicated as open space or recreational areas.
  - (2) Where property proposed for subdivision lies wholly within the one-hundred-year floodplain it may be platted for development with the provision that the applicant construct all buildings and structures to preclude flood damage in accordance with this and any other laws and ordinances regulating such development.
  - (3) No subdivision or part thereof shall be approved if the proposed development and/or improvements will, individually or collectively, substantially increase the ~~height of the base flood elevation~~ WATER SURFACE ELEVATIONS IN A FLOODWAY.
  - (4) If the Planning Commission determines that only a part of a proposed plat can be safely developed, it shall limit development to that part and shall require that development proceed consistent with this determination.
  - (5) Proposed road elevations shall be shown on the construction plans. Roads providing access to any lots within the subdivision shall be located above the base flood elevation and shall not be submerged during the one-hundred-year flood event to the extent that they would impede adequate ingress and egress for those lots served by such road. Roads below the base flood elevation may be approved where an alternative means of vehicular access, which would not be submerged during the one-hundred-year flood event, is provided for all lots served by that road. This provision may be waived by the Planning Commission at its discretion.
  - (6) Where the Planning Commission determines that additional controls are required to ensure safe development, it may require the applicant to impose appropriate deed restrictions which shall be inserted in every deed and noted on the record plat.

**§ ZS 2-503. Required improvements for major subdivisions.**

- (a) Generally. The purpose of this Section is to establish and define the improvements which will be required to be constructed or guaranteed by the applicant as provided herein as a condition for record plat signature by the Planning Commission. All construction shall be completed in accordance with the specific conditions of the approved final plat and the approved drawings and specifications thereof and in a manner acceptable to the Planning Commission.
- (b) Changes from accepted drawings and specifications. If, during construction, changes from the accepted drawings and specifications should become necessary, written approval from the Department shall be obtained prior to executing such changes.
- (c) Roads. The applicant shall design and construct all roads in accordance with the County roads specifications.
- (d) Road signs. At every intersection the applicant shall erect a road sign having thereon the names of the intersecting roads. At the intersections where roads cross, there shall be at least two such road signs. The location, design and manner of construction shall be in

accordance with the County roads specifications or practices.

- (e) Other improvements. The applicant shall construct all stormwater management facilities, central water and wastewater systems, including service to each developable lot, sediment and erosion control devices and such other facilities, including recreation areas, as were specified in the approved construction plans and in accordance with the accepted drawings and specifications thereof.
- (f) Required monuments. Survey monumentation shall be required for all subdivisions as defined in § 3-108 of the Real Property Article of the Annotated Code of Maryland (1981), as from time to time amended, and as specified herein.
  - (1) General property monuments shall be placed at all lot corners and exterior subdivision boundaries which are otherwise not monumented. General property monuments shall be metal or concrete, shall be a minimum of eighteen inches in length and shall be set by a qualified surveyor approximately flush with final grade.
  - (2) In addition to other monuments as may be required by law, two concrete or stone survey monuments as approved by the Department shall be placed at each road intersection and one on each side of each road at road angle points and at the beginning and end of curves. At least three feet of the monument shall be underground. All monuments shall be finally placed in the ground after final grading is completed at a time specified by the Department of Public Works.
  - (3) Control monuments shall be designated by, set by and located as determined by the professional land surveyor or property line surveyor and shall be accessible by right-of-way or an easement with a minimum width of ten feet.
    - A. Control monuments shall be shown on the record plat and must be referenced by bearing and distance to known points.
    - B. At least one control monument, or more as may be required by the Planning Commission, shall show its elevation in feet with reference to a known control point as approved by the Planning Commission and shall be designated on the plat.
    - C. For each phase within the subdivision, there shall be no fewer than two control monuments established which shall be visible to one another.
    - D. Existing monuments may be designated as control monuments if suitably durable.
    - E. Control monuments shall be of stone, concrete or any suitable permanent material, have a minimum length of thirty-six inches, have a top surface area of no less than ~~twelve~~ NINE square inches, have a centering point which shall not exceed two-hundredths of a foot in breadth and shall be anchored or bedded in concrete or earth to prevent movement and set approximately flush with finish grade.
  - (4) Financial security for all monument installation shall be required and may be included with the securities for other required improvements. Security for monuments shall be released only upon written certification of the professional land surveyor that the monuments are installed in accordance with the provisions of this Title. In lieu of security, monuments may be set prior to recordation of the plat and be so certified by the surveyor. The amount of security shall be established by the Department and shall be based upon a written cost estimate provided by the surveyor.

- (g) Other site improvements. The Planning Commission may, in appropriate cases as policy dictates, require the applicant of a major subdivision to install lighting, solid waste collection sites, signs, entrances, landscaping, or shoreline stabilization or to reconstruct existing roads serving the subdivision, as well as roads damaged by construction. Such improvements shall be in accordance with Title 1, Worcester County Zoning Ordinance, and written policy developed by the Planning Commission and approved by the County Commissioners on such matters.
- (h) Maintenance. Adequate provisions for the satisfactory maintenance and operation of all roads, drainage facilities, central water and wastewater systems, recreation areas, sediment and erosion control devices, stormwater management facilities and all other site improvements and facilities, until take-over by a homeowners association or other responsible party or by the County Commissioners, shall be made by the applicant by means acceptable to the County Commissioners.

**§ ZS 2-504. Improvement guaranties for major subdivisions.**

- (a) Construction or contract. Before the Planning Commission shall sign any record plat of any major subdivision for recordation:
  - (1) Required improvements shall be completed, inspected and accepted by the Department, Department of Public Works, Department of Environmental Programs and other proper authority as designated by the County Commissioners; or
  - (2) The applicant shall enter into a written contract with the County in the manner and form set forth by the County Attorney wherein he shall agree:
    - A. To construct or cause to be constructed, at his own expense and within the times prescribed by the County Commissioners, all required improvements shown on the construction plans and/or final plat and the approved drawings and specifications thereof and in strict accordance with the standards and specifications of the County.
    - B. To maintain, at his own cost, such required improvements until the same are accepted by the County or transferred to a homeowners association.
    - C. To obtain the easements and releases required when any road, drainage facility or other improvement abuts or traverses land of persons other than the person holding legal title to the lands of the subdivision, at his own cost, and to obtain from the owner of the lands so abutted or traversed full release from all damages which may accrue due to the construction of such improvements. Such releases shall inure to the benefit not only of the applicant but also to the County.
    - D. Execute such deeds or releases as the County Commissioners may require for such improvements.
- (b) Guaranty. In order to assure the County that the required improvements will be constructed and installed as required and in accordance with the approved construction plans and/or final plat and that such improvements will be maintained until accepted by the County or transferred to a homeowners association, the applicant shall furnish to the County escrow money, cash, corporate surety bond, bank deposit or letter of credit as shall be acceptable to the County in the amount of one hundred and twenty-five percent of the actual cost of construction and maintenance of such improvements. The estimate of such costs shall be prepared by an engineer, surveyor or contractor qualified to do so. The

guaranty and cost estimates shall be approved by the Department, Department of Public Works or other appropriate official. This improvement guaranty shall be conditioned upon the faithful performance by the applicant of the terms of the contract required under this Section. If a portion of the required improvements shall have been constructed by the applicant and approval thereof obtained prior to the signing of the record plat, the guaranty shall be reduced to only that amount necessary to cover the costs of constructing the remaining required improvements and maintaining both those constructed and those guaranteed.

**§ ZS 2-505. Acceptance of improvements by County for major subdivisions.**

- (a) Procedure to request acceptance. Prior to the acceptance of any roads or site improvements by the County, this procedure shall be followed:
- (1) The applicant shall notify the Department of the completion of the required improvements.
  - (2) The Department, Department of Public Works or other appropriate official shall inspect the completed improvements and submit, in writing, a report to the applicant specifying those items of construction, materials and workmanship, if any, which do not comply with the County specifications or the approved construction plans and/or final plat.
  - (3) The applicant, upon notification from the appropriate official, shall proceed, at his own cost, to make such corrections as shall be required to comply with the County specifications and approved construction plans and/or final plat and notify the Department upon completion requesting final inspection.
  - (4) The Department, Department of Public Works or other appropriate official shall make a final inspection with the applicant of all required improvements.
  - (5) Upon giving the applicant final approval, the Department, Department of Public Works or other appropriate official shall promptly submit a written report to the County Commissioners indicating that the required improvements have been provided in such a manner as to comply with all specifications and laws of the County.
- (b) Acceptance by County. If the County Commissioners are satisfied that the applicant has complied fully with the applicable specifications and ordinances, they may notify the applicant of the acceptance of the required improvements. The County Commissioners may thereupon release any bond or security posted for such performance. The County Commissioners shall not be required to accept any road, park, utility or other improvement for County maintenance even though such improvement may meet all County specifications and ordinances.