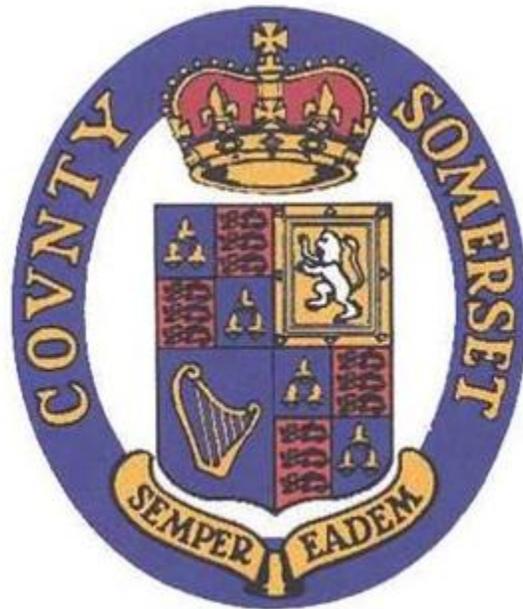


SUBDIVISION ORDINANCE



SOMERSET COUNTY, MARYLAND

SUBDIVISION ORDINANCE OF SOMERSET COUNTY

Ordinance #396

Adopted by the Somerset County Board
of County Commissioners on September 6, 1988

Includes Amendments:

- Ordinance #642 on July 11, 1996
- Ordinance #661 on April 15, 1997
- Ordinance #697 on October 27, 1998
- Ordinance #872 on January 3, 2005
- Ordinance #962 on October 16, 2007
- Ordinance #966 on February 26, 2008
- Ordinance #1049 on November 20, 2012
- Ordinance #1055 on March 12, 2013

**SOMERSET COUNTY
SUBDIVISION ORDINANCE**

TABLE OF CONTENTS

SECTION I – INTRODUCTION	1
A. Short Title	1
B. Authority	1
C. Purpose.....	1
D. Intent	1
E. Definitions.....	2
SECTION II – CONTROL AND PENALTIES	14
A. Subdivision Control	14
B. Plat Approval Required.....	14
C. Transfer of Land	15
D. Penalties for Violation	15
SECTION III – PROCEDURES AND REQUIREMENTS	16
A. Responsibility of the Subdivider.....	16
B. Preapplication Sketch Plan	16
1. Preapplication Sketch Plan Submission Procedure.....	17
2. Recommended Exhibits in Preapplication Sketch Plan	18
C. Preliminary Plat	19
1. Preliminary Plat Submission Procedure.....	19
2. Required Exhibits in Preliminary Plat Submission.....	21
D. Final Plat	26
1. Final Plat Submission Procedure	27
2. Required Exhibits in Final Plat Submission	28
3. Final Plat Recording Requirements	31
4. Effect of Recording Plats	32
SECTION IV – REQUIRED IMPROVEMENTS	33
A. Purpose.....	33
B. Permanent Reference Points	34
C. Street Improvements	34
D. Bridges and Culverts.....	35
E. Utilities.....	35
F. Water and Sewer Trunk Line Extensions	35
G. Storm Damage	35

H. Shore Erosion Control Structures	35
I. Signs.....	36
J. Planting and Forest Management Plans	36
K. Open Space Maintenance Plan.....	36
L. Public Improvement Plans	36
M. Inspection.....	37
SECTION V – DESIGN STANDARDS	38
A. Application.....	38
B. General Requirements.....	38
C. General Requirements for Streets	41
1. Relation to Plans and Site Conditions.....	41
2. County Plans	42
3. Location of Streets	42
4. Street Names	43
5. Minor Streets.....	43
6. Marginal Access Streets and Reverse Frontage Lots.....	43
7. Alleys	43
8. Reserve Strips	43
9. Cul-De-Sacs	43
10. Relation to Adjoining Properties	43
11. Private Roads or Streets	44
12. Roads in the Critical Area.....	44
D. Design Standards for Streets.....	45
1. Street Right-of-Way Widths	45
2. Pavement Widths	45
3. Street Grades.....	45
4. Street Intersections.....	45
5. Private Roads Standards	46
1) Private Roads Specifications/Conditions of Use	46
Residential Access – 7 lots or less	
Less than 250 ADT- 30’ Right-of-Way	
2) Private Roads Specifications/Conditions of Use	48
Residential Access greater than 7 lots	
Less than 250 ADT – 50’ Right-of-Way	
E. Drainage.....	49
F. Blocks	49
1. General.....	49
2. Length	50
3. Width.....	50

Nonresidential Blocks	50
G. Lots	50
1. Lot Sizes.....	50
2. Frontage	50
3. Lot Orientation.....	50
4. Building Setback Lines	50
5. Double Frontage Lots	50
6. Large Parcel Subdivisions.....	51
7. Lot Calculations	51
H. Parks and Open Space.....	51
I. Community Sanitary Sewers and Community Water Supply.....	51
J. Easements	51
1. Utility Easement.....	51
2. Contingency Easements	51
SECTION VI – IMPROVEMENT GUARANTEES	52
A. Contracts	52
B. Guarantee	53
C. Acceptance of Improvements by the County	54
SECTION VII – LEGAL PROVISIONS.....	55
A. Conflict with Other Regulations	55
B. Subdivision Name.....	55
C. Failure to Act	55
D. Right of Appeal.....	55
E. Violations.....	55
F. Separability of Provisions.....	56
G. Amendments Procedure	56
H. Fees	56
APPENDIX.....	57
A. Preliminary Sketch Plan.....	57
B. Preliminary Plat	58
C. Final Plat	61

SECTION I

INTRODUCTION

- A. **SHORT TITLE**. This ordinance shall be known and may be cited as the “Subdivision Regulations of Somerset County, Maryland.”
- B. **AUTHORITY**. These Subdivision Regulations are adopted pursuant to Article 66B, Title 3 of the Annotated Code of Maryland, empowering the County to enact regulations governing the subdivision of land in all areas of the County except those areas within incorporated towns.
- C. **PURPOSE**. The purpose of these Regulations is to regulate and control the division of land within Somerset County, in order to promote the public health, safety, and general welfare of the County.
- D. **INTENT**. It is the general intent of these Regulations to regulate the division of land so as to:
1. Assure sites suitable for building purposes and human habitation, and to provide for the harmonious development of Somerset County;
 2. Insure proper legal description, identification, monumentation, and recordation of real estate properties;
 3. Further the orderly and appropriate development of land while still conserving valuable and scenic natural features of the County;
 4. Coordinate existing streets and roads with proposed streets and roads, and to regulate the flow of traffic;
 5. Insure adequate space for traffic, recreation, light and air;
 6. Facilitate adequate provision for transportation, water, sewerage, schools, parks and recreation and other public facilities;
 7. Insure flood prevention, proper storm drainage and appropriate utility systems;
 8. Insure conformance to the land use provisions of the County Comprehensive Plan and the Somerset County Chesapeake Bay Critical Area Program;
 9. Protect wetlands, streams, and plant and wildlife habitats; and
 10. Regulate development on steep slopes and soils with development constraints.

E. DEFINITIONS. For purposes of these regulations, certain words and terms used herein shall be defined as given in the Somerset County Zoning Ordinance. Terms which are not defined in that Ordinance shall be defined in these Regulations.

The word “County” means Somerset County, Maryland. The word “state” means the State of Maryland. The term “County boundary” means any exterior boundary of the County. Words used in the present term shall include the future tense; words used in the singular number shall include the plural number; and words used in the plural number shall include the singular number; the word “shall” is mandatory, not directive. The word “person” includes any individual, group of persons, firm, corporation, association, and any legal public entity.

Definitions applicable to terms used in the Critical Area Overlay District not already contained herein shall be the same as those contained in the Chesapeake Bay Critical Area Criteria, Section 14.15.01.

1. “Administrator” means the Director of the Somerset County Department of Technical and Community Services.
2. “Afforestation” means the establishment of a tree crop on an area from which it has always or very long been absent, or the planting of open areas that are not presently in forest cover.
3. “Anadromous Fish” means fish that travel upstream (from their primary habitat in the ocean) to freshwater in order to spawn.
4. “Best Management Practices (BMPs)” mean conservation practices or systems of practices and management measures that control soil loss and reduce water quality degradation caused by nutrients, animal waste, toxic substances, and sediment. Agricultural BMPs include, but are not limited to, strip cropping, terracing, contour stripping, grass waterways, animal waste structures, ponds, minimal tillage, grass and naturally vegetated filter strips, and proper nutrient application measures.
5. “Buffer” (spelled with a capital B) means a naturally vegetated area or vegetated area established or managed to protect aquatic, wetland shoreline, and terrestrial environments from man-made disturbances. In the Critical Area District, the minimum Buffer is a continuous area located immediately landward of tidal waters (measured from the Mean High Water Line), tributary streams in the Critical Area and tidal wetlands and has minimum width of one hundred (100) feet. The Buffer shall be expanded beyond the minimum depth to include certain sensitive areas as per requirements established in the Zoning Ordinance.

6. "Commission" means the Somerset County Planning Commission.
7. "Community piers" means boat docking facilities associated with subdivisions and similar residential areas, and with condominium, apartment, and other multiple-family dwelling units. Private piers are excluded from this definition.
8. "Conservation easement" means a non-possessory interest in land that restricts the manner in which the land may be developed in an effort to conserve natural resources for future use.
9. "Critical Area" means all lands and waters defined in Section 8-1807 of the Natural Resources Article, Annotated Code of Maryland. They include:
 - a. All waters of and lands under the Chesapeake Bay and its tributaries to the head of tide as indicated on the State wetlands maps, and all State and private wetlands designated under Title 9 of the Natural Resources Article, Annotated Code of Maryland;
 - b. All land and water areas within 1,000 (one thousand) feet beyond the landward boundaries of State or private wetlands and the heads of tides designated under Title 9 of the Natural Resources Article, Annotated Code of Maryland;
 - c. Modification to these areas through inclusions or exclusions proposed by local jurisdictions and approved by the Commission as specified in Section 8-1807 of the Natural Resources Article, Annotated Code of Maryland;
10. "Critical Area Commission" means the Maryland Chesapeake Bay Critical Area Commission.
11. "Cul-de-sac". See "Streets and Highways".
12. "Dedication" means the deliberate appropriation of land by its owner for any general public uses, reserving to himself no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted, and acceptance thereof by the County.
13. "Density" means the number of dwelling units per acre of gross area of a development tract.
14. "Developer". See "Subdivider".

15. “Developed Woodlands” mean areas one (1) acre or more in size that predominantly contain trees and natural vegetation and that also include residential, commercial, or industrial structures and uses.
16. “Disturbed Area” means the area of a site where natural cover has been removed for construction of buildings, placement of septic systems or shared facilities, drives, roads, parking areas, etc. and not replaced.
17. “Development or development activities” mean any construction, modification, extension or expansion of buildings or structures; placement of fill or dumping; storage of materials; land excavation; land clearing; land improvement; or any combination thereof, including the subdivision of land.
18. “Drainageways” are defined as minor watercourses that are defined either by soil type or 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 (50) feet of the centerline of any intermittent or perennial stream shown on the U.S. Geological Service’s 7 ½ minute quadrangle sheets covering the unincorporated areas of Somerset County.
19. “Easement” means a grant of land to be used as a right-of-way, for public utilities or other specific purpose that does not transfer title.
20. “Engineer” means a Maryland registered civil engineer.
21. “Environmental Assessment” means a comprehensive report that describes the natural features and characteristics of a proposed development site, the changes that will occur as the result of proposed development activities on the site, the anticipated environmental impacts and consequences of the proposed development, and mitigation measures to be taken to minimize undesirable impacts to the environment.
22. “Exemption, Buffer” means an act of the County Commissioners, approved by the Critical Area Commission, that relieves an area of the County from the Buffer provisions of the Critical Area District.
23. “Fisheries activities” means commercial water dependent fisheries, facilities including structures for the packing, processing, canning, or freezing of finfish, crustaceans, mollusks, and amphibians and reptiles and also including related activities such as wholesale and retail sale, product storage facilities, crab shedding, off-loading docks, shellfish culture operations, and shore-based facilities necessary for aquaculture operations.

24. "Flood-Prone Area" means a relatively flat or low land area adjoining a stream, river, 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 any source.
25. "Floodway" means the channel of a river or other watercourse and the adjacent land areas required to carry and discharge a flood of a given magnitude.
26. "Flood, Regulatory" means a flood having an average frequency of occurrence on the order of once in 100 years, although the flood may occur in any year.
27. "Flood, Regulatory Elevation" means the 100 year flood elevation based upon the information contained in the official Flood Insurance Study.
28. "Forest" means a biological community dominated by trees and other woody plants covering a land area of one (1) acre or more. This also includes forests that have been cut but not cleared.
29. "Forest Management" means the protection, manipulation, and utilization of the forest to provide multiple benefits, such as timber harvesting, wildlife habitat, etc.
30. "Forest Practice" means the alteration of the forest either through tree removal or replacement in order to improve the timber, wildlife, recreation, or water quality values.
31. "Grandfathered" describes the status accorded certain properties and development activities that are of record prior to the date of adoption of the Zoning Ordinance or provision of the Zoning Ordinance.
32. "Growth Allocation" means:
 - a. An area of land calculated as five (5%) percent of the total Resource Conservation Area (excluding tidal wetlands and federally owned land), that the County may convert to more intense management areas to accommodate land development; also
 - b. An act of the County Commissioners, approved by the Critical Area Commission, which provides for the conversion of a property or properties located in a Resource Conservation Area (RCA) and/or the Limited Development Area (LDA) in the Critical Area District to another land management classification which allows an increase in the permitted density.
33. "Highly Erodible Soils" mean soils with a slope greater than 15 percent; or those soils with an R value greater than 0.35 with slopes greater than 5 percent.

34. “Hydric Soils” mean soils that are wet frequently enough to periodically produce anaerobic conditions, thereby influencing the species composition or growth, or both, of plants on those soils.
35. “Improvements”. See “Public Improvements”.
36. “Inspector” means the Somerset County Zoning Inspector
37. “Land clearing” means any activity that removes the vegetative ground cover.
38. “Lot” means a portion of a subdivision or any other parcel of land intended as a legal unit for transfer of ownership or for development, or both. The word “lot” includes the words “plot” or “parcel”.
- a. Corner lot means any lot situated at the intersection of two (2) streets and abutting such streets.
 - b. Double frontage lot means a lot of the same depth as the width of a block and which is accessible from both of the streets upon which it abuts. The term “Double frontage lot” includes “Through Lot”.
 - c. Interior lot means any lot, other than a corner lot, bound on both sides by other lots and with frontage on only one (1) street other than an alley.
 - d. Lot depth means the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.
 - e. Lot line means any line defining the exact location and boundary of a lot.
 - f. Lot width means the distance between straight lines connecting the front and rear lot lines at each side of the lot, measured across the front building line.
 - g. Single tier lot means a lot which backs upon a limited access highway, a physical barrier such as a canal or waterway, or a non-residential use and to which vehicular access from the rear is usually prohibited.
 - h. Subdivisions lots of ten (10) acres or more that are deed and plat restricted for conservation purposes or so designated for agricultural use only may be approved without water and sewerage service.

39. “Marina” means any facility for the mooring, berthing, storing, or securing of watercraft, but not including community piers and other non-commercial boat docking and storage facilities.
40. “Mean High Water Line” means the average level of high tides at a given location.
41. “Minor Subdivision.” See “Subdivision.”
42. “Natural Vegetation” means plant communities that develop in the absence of human activities.
43. “Natural features” means components and processes present in or produced by nature, including but not limited to soil types, geology, slopes, vegetation, surface water, drainage patterns, aquifers, recharge areas, climate, floodplains, aquatic life, and wildlife.
44. “Non-tidal wetlands” refers to those areas where the water table is usually at or near the surface or where the soil or substrate is covered by shallow water at some time during the growing season, and which are usually characterized by one of the following:
- a. At least periodically, the land supports predominantly hydrophytic vegetation;
 - b. The substrate is predominantly undrained hydric soils (i.e. does not have tile drains or drainage ditches). Land periodically supporting predominantly hydrophytic vegetation is defined to mean areas of natural vegetation where the water table is at the surface of the land for at least two weeks during the growing season.
45. “Official Plan” means the latest maps of plans adopted by the County Commissioners in accordance with Article 66B of the Annotated Code of Maryland showing highways, streets and land use, including the Somerset County Critical Area Maps.
46. “Owner” means the person, partnership or corporation holding legal title to a parcel of land.
47. “Offsets” means structures or actions that compensate for undesirable impacts.
48. “Open Space” means undeveloped land use primarily for resource protection or recreational purposes. Land and water areas retained for use as active or passive recreation areas in an essentially underdeveloped state, or land areas retained in natural cover, agricultural or commercial forestry use.

49. “Open Water” means tidal waters of the State that do not contain tidal wetlands and/or submerged aquatic vegetation.
50. “Pad, Development” means the area of a lot, within a larger overall lot area that is devoted to structures and septic systems. In general, where a development pad is prescribed, the remaining area of the lot must be maintained in natural vegetation.
51. “Plat” means a plan or map drawn to scale of a parcel of land.
- a. Sketch Plat or Plan means a sketch indicating the subdivider’s general objectives and desires in regard to the future development of his land.
 - b. Preliminary Plat includes the preliminary drawings and supplementary material indicating the subdivider’s proposed layout of subdivision which is submitted to the Planning Commission for conditional approval.
 - c. Final Plat includes the final map or drawing of a subdivider’s plan of subdivision which is submitted to the Planning Commission for approval and, if approved, is recorded by the Clerk of the Circuit Court.
52. “Physiographic Features” means the soils, topography, land slope and aspect, and local climate that influence the form and species composition of plant communities.
53. “Public” means “open to common use” whether or not government ownership is involved.
54. “Public Improvement” means those physical additions, installations and changes such as: street pavement, with or without curbs and gutters; alley pavements; bridges and culverts; sidewalks; crosswalks; water supply systems; sanitary sewers; storm drains, with appurtenant construction; screen and forest planting; street trees; street signs; or other similar improvements for public use and benefit required by the County in a subdivision development.
55. “Redevelopment” means the process of developing land that is or has been developed.
56. “Reforestation” means the establishment of a forest through artificial reproduction or natural regeneration.

57. "Right-of-Way" means a strip of land appropriated for the use of a street, highway, driveway, alley or walkway, or for any drainage or public utility purpose or other purposes.
58. "Road widening easement" means the assignment via easement to the County of a right of way adjacent to an existing County road for the purpose of the future widening of that road. Land within this easement cannot be included in the dimensions or area of the lot or parcel and must be designated on the plat.
59. "Shore Erosion Control Measures" means any number of structural and nonstructural methods or techniques for controlling the erosion of shoreline areas. More specifically, the term refers to:
- a. Nonstructural means creation of an intertidal marsh fringe channelward of the existing bank by one of the following methods:
 - (1) Vegetation means the planting an existing shore with a wideband of vegetation;
 - (2) Bank Sloping/Vegetation means the sloping and planting a non - wooded bank to manage tidal water contact, using structures to contain sloped materials if necessary; and
 - (3) Contained Beach means the filling along shore with sandy materials, grading, and containing the new beach to eliminate tidal water contact with the bank.
 - b. Structural
 - (1) Revetment means the facing laid on a sloping shore to reduce wave energy and contain shore materials;
 - (2) Bulkhead is a structural measure excluded due to adverse impacts to the near-shore marine environment, except in the following special cases:
 - (a) Where erosion impact is severe and high bluffs and/or dense woodland preclude land access, bulkheads can be installed by shallow draft barge and pile driver; and
 - (b) In narrow, manmade lagoons for activities that require frequent interchange between boats and land.

60. “Soil Conservation and Water Quality Plans” mean land-use plans for farms that show farmers how to make the best possible use of their soil and water resources while protecting and conserving those resources for the future. It is a document containing a map and related plans that indicate:
- a. How the landowner plans to treat a farm unit;
 - b. Which Best Management Practices the landowner plans to install to treat undesirable conditions; and
 - c. The schedule for applying Best Management Practices.
61. “Steep Slopes” mean slopes of 15 percent or greater incline.
62. “Streets and Highways” means a public or private right-of-way which is at least 50 or more feet in width or is within a subdivision which has been approved in accordance with the private roads standards. Highways and streets in the County are classified into the following categories:
- a. “Principle Arterial” means high speed highway carrying traffic for inter and intra-state travel. The principal arterial are continuous and interconnecting with similar routes in adjoining states and counties, and they provide a major link between Somerset County and the immediate region and other major destinations on the Eastern Seaboard.
 - b. “Minor Arterial” means a highway carrying some through traffic and providing a transportation connection between small towns that are not already served by the principal arterial or minor arterial routes.
 - c. Major Collector means the main road to built-up areas and sections of the County which are not otherwise served by the principal arterial or minor arterial routes.
 - d. “Minor Collector” means the main road in a neighborhood or commercial area collecting traffic from local roads, lanes, and drives and providing a connection to nearby towns or highways.
 - e. “Local Road” means a public road serving individual homes, stores, businesses or farms or sections of a neighborhood or the rural countryside. These roads provide connection to other roads and highways of higher order and they normally should not carry any through traffic.

- f. “Cul-de-Sac” means a local road or minor collector road with only one outlet, having a paved circular turn-around area at the closed end.
 - g. “Half Street” means a street, generally parallel and adjacent to a property line, having a lesser right-of-way width than normally required for satisfactory improvements and use of the street.
 - h. “Alley” means public or private right-of-way affording a secondary means of access to abutting property.
 - i. “Stub Street” means a street which projects from a development street for a distance of one lot depth, to the property line of an adjacent property, and which does not provide the principal or sole access to the adjacent lot. Stub streets are provided in development as it is built in the future.
 - j. “Minor (Private) Road” or “Private Street” means an internal road within a subdivision built to County Specifications or in accordance with private roads standards.
63. “Structure” means anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location of the ground. Among other things, structures include buildings, mobile homes, walls, billboards, and poster panels.
64. “Subdivider” means an individual, partnership, or corporation (or agent therefor) who submits to the County Commissioners and the Planning and Zoning Commission subdivision plans for the purpose of obtaining approval thereof. The term “Subdivider” is intended to include the term “Developer”, even though the personnel involved in successive stages of the project may vary.
65. “Subdivision” means the division of a lot, tract or parcel of land into two (2) or more lots, plats, sites or other divisions of land for the purpose, whether immediate or future, of sale or of building development. The following are exempt from the Subdivision process, but require review for adherence to zoning requirements. However, Lot Reconfiguration, as described in (a) below, requires the submittal of a plat and mylars for filing with the Clerk of Courts in order to demonstrate that zoning requirements, including Critical Area regulations, are observed. A copy of the deed by which the reconfiguration is accomplished must be furnished to the Department within six (6) months of filing or the approval is nullified.

- a. The combination or re-combination of portions of previously platted lots where the total number of lots is not increased, the resultant lots are equal to or exceed the standards of the County as required by the Zoning Ordinance of Somerset County, and necessary adjustments in utilities and site improvements meet the approval of the County.
- b. The public acquisition of strips of land for the widening or opening of streets.
- c. The division of land for agricultural purposes into tracts of twenty (20) acres or more, provided there is no change in existing land use, there is no new residential use and the division does not involve the reservation of development of a new street.

The term “Subdivision” includes a re-subdivision. Such re-subdivision shall conform with the current zoning of the property and the requirements contained herein for the subdivision of land.

When appropriate to the context, the term “Subdivision” shall relate to the process of subdividing or to the land subdivided.

- 66. “Subdivision, Minor” means the division of a single lot, tract or parcel of land into seven (7) or fewer additional lots, tracts or parcels of land for the purpose, whether immediate or future, of transfer of ownership or of building development, provided the lots, tracts, or parcels of land thereby created have frontage on an improved community street or streets or on an approved private road or street and providing further that there is not created by the subdivision any new street or streets. A minor subdivision shall be processed in accordance with the requirements of a Final Plat.
- 67. “Surveyor” means a Maryland registered land surveyor.
- 68. “Technical Advisory Committee (TAC)” means an ad hoc committee composed of representatives of the technical staffs of appropriate County and State departments and agencies which is responsible for reviewing development proposals, including site plans and subdivision plats, and providing technical comments and recommendations to the applicant and the Planning Commission on the proposed development. The membership of the Technical Advisory Committee shall include, but is not limited to, representatives of the Department of Technical and Community Services, the Somerset County Health Department, the Somerset County Roads Department, the Somerset County Sanitary Commission, the Somerset County Soil Conservation District and the Somerset County Civil Defense Director.

69. “Tidal Wetlands” mean state wetlands that are defined as any land under the navigable waters of the state below the Mean High Water Line, affected by the regular rise and fall of tide, and private wetlands that are defined as any land not considered ‘state wetlands’ bordering or lying beneath tidal waters, that is subject to regular or periodic tidal action and supports aquatic growth. Private wetlands 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. The term “regular or periodic tidal action” means the rise and fall of the sea produced by the attraction of the sun and moon uninfluenced by the wind or any other circumstance.
70. “Topography” means the existing configuration of the earth’s surface including the relative relief, elevations, and position of land features.
71. “Tributary Streams” mean perennial and intermittent streams in the Critical Area that are so noted on the most recent Geological Survey 7 ½ minute topographic quadrangle maps (scale 1:24,000) or on more detailed maps or studies at the discretion of the local jurisdictions.
72. “Utilities” includes, but is not limited to, water systems, electrical power systems, gas systems, sanitary sewer systems, storm drainage systems, telephone systems and television cable systems.
73. “Walkway”. As distinguished from a sidewalk and a cross-walk which are incorporated in a street right-of-way, a walkway is a pedestrian right-of-way usually extending from a street into a block or across a block to another street.
74. “Water-dependent Facilities” mean structures or works associated with industrial, maritime, recreational, educational, or fisheries activities which Somerset County has determined require location at or near the shoreline within the Buffer.
75. “Wildlife Corridor” means a strip of land having vegetation that provides habitat and a safe passageway for wildlife.
76. “Yard” means the area between the property lines and the principle structure.

SECTION II

CONTROLS AND PENALTIES

A. SUBDIVISION CONTROL.

It shall be unlawful for the owner of any land within the jurisdiction of these Regulations, or any other person, firm, or corporation, to subdivide any lot, tract, or parcel of land, or layout, construct, open or dedicate for public use or travel, any street, road, sanitary sewer, storm sewer, drainage facilities, or other facilities in connection therewith, or for the common use of occupants of buildings within the subdivision, unless and until:

1. A subdivision plat is made in accordance with these regulations set forth herein and those set forth in Section 5 of Article 66B of the Annotated Code of Maryland, as amended, and Article 17 of the Annotated Code;
2. Approval is secured for the subdivision plat from the Somerset County Planning Commission or, in the case of minor subdivisions, the Administrator, under the provision herein; and
3. The Commission has caused copies of the subdivision plat to be recorded in the Office of the Clerk of the Circuit Court for Somerset County.

Any subdivision plat recorded in the Office of the Clerk of the Circuit court prior to the effective date of these Regulations shall be exempt from the provisions of these Regulations but any extension to previously recorded subdivisions shall be required to comply in full with all the requirements of these Regulations.

B. PLAT APPROVAL REQUIRED.

1. No plat of any subdivision shall be recorded until it has been submitted to and approved by the Somerset County Planning Commission, or in the case of minor subdivisions, by the Administrator. The approving authority shall not approve a subdivision plat until satisfied that the requirements of these regulations have been met. All references to approvals by the Planning Commission, shall, in the case of minor subdivisions, be construed to mean the Director, in keeping with Article 66B of the Annotated Code of Maryland. The Director may choose to refer a minor subdivision to the Planning Commission for approval.

2. Final approval by the Planning Commission of any subdivision lying wholly or in part in the Critical Area and requiring growth allocation, cannot be made until the Somerset County Commissioners have given final approval to the Growth Allocation Floating Zone according to the provisions of Section 6.15 of the Somerset County Zoning Ordinance.

C. TRANSFER OF LAND.

1. No land in a subdivision created after the adoption of these Regulations shall be transferred, sold, or offered for sale, nor shall a zoning permit be issued thereon, until a Final Plat of the subdivision shall have been recorded in accordance with these Regulations and the provisions of the State, and the improvements required in connection with the subdivision have either been constructed or guaranteed as hereinafter provided.
2. No building depending upon community water and sewerage facilities shall be permitted to be occupied before such facilities are fully provided and operational.

D. PENALTIES FOR VIOLATION.

1. Whoever, being the owner or agent of the owner of any land located within the jurisdiction of this Ordinance, transfers or sells or agrees to sell or negotiate to sell any land by reference to or exhibition of or by other use of a plat of subdivision, before the plat has been approved and recorded, or filed in the Office of the Clerk of the Circuit County of Somerset County, shall forfeit and pay a civil penalty of not less than two hundred (\$200) dollars and not more than one thousand (\$1,000) dollars in the discretion of the Court, for each lot or parcel so transferred or sold or agreed or negotiated to be sold; and 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 Board of County Commissioners may enjoin the transfer or 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.
2. Every act or omission in violation of this Ordinance shall be punishable as provided in this Section. Where such an act or omission is of a continuing nature, every day during which such act or omission continues shall be deemed a separate violation.

SECTION III

PROCEDURES AND REQUIREMENTS

A. RESPONSIBILITY OF THE SUBDIVIDER. Prior to undertaking the procedures outlined herein for approval of a subdivision in Somerset County, it shall be the responsibility of the subdivider to find out all information relevant to the following areas of concern about his property:

1. The availability of highways and streets to adequately serve the needs of the proposed development.
2. A determination of whether the proposed area for development can be served by public facilities and energy services.
3. An assessment of the natural features of the property to determine if the land will be suitable to support the proposed future land uses.
4. A determination that the proposed subdivision will be in accordance with the adopted County Land Use Plan, County Critical Area Program, Transportation Plan, and Community Facilities Plan.
5. A finding that the proposed subdivision and resulting development will be in accordance with the existing zoning on the land as shown in the adopted County Zoning Ordinance and Official Zoning Maps.

B. PREAPPLICATION SKETCH PLAN. Before filing an application for conditional approval of the Preliminary Plat, the subdivider is encouraged, though not required, to submit a Preapplication Sketch Plan with the data as specified in this Section. This step does not require an application fee or filing of a plat; it is intended to provide the subdivider with the opportunity to resolve problems early in the proceedings and to make necessary modifications and revisions prior to incurring the expense of preparing a preliminary and final plat. This step also affords the County administrative personnel, the Technical Advisory Committee and the Commission the opportunity to give informal guidance to the applicant at a stage when potential points of difference can be more easily resolved. It can also simplify official actions and save unnecessary expense and delay.

The Preapplication Sketch Plan should be submitted to the Commission through the Administrator, at least ten (10) working days prior to the Technical Advisory Committee meeting at which it is to be considered.

1. PREAPPLICATION SKETCH PLAN SUBMISSION PROCEDURE.

- a. Applicant prepares Preapplication Sketch Plan and subdivision application and submits seven (7) copies of the Sketch Plan and application to the Administrator. The Administrator may require additional copies of the Sketch Plan as appropriate.
- b. The Administrator checks the submission for its completeness and if incomplete, returns it to the applicant with deficiencies indicated. If the submission is complete, then it is accepted for review.
- c. The Administrator shall distribute copies of the Sketch Plan and application to the Technical Advisory Committee (TAC) and the Planning Commission.
- d. The Sketch Plan shall be reviewed with regard to the following:
 - (1) General suitability of the site for the type of development proposed;
 - (2) General suitability of the design with regard to topography, drainage, soils and surrounding lands.
 - (3) Conformance with the Somerset County Zoning Ordinance, and where applicable, conformance with the Somerset County Critical Area Program;
 - (4) Interior road configuration;
 - (5) Method and suitability of access; and
 - (6) Type of water and sewerage service.
- e. The TAC shall at its next regularly scheduled meeting review the applicant's submission; receive and review reports from the County Health Department, the Soil Conservation Service, Sanitary Commission and other members of the TAC, hear the applicant's presentation, and discuss the submission with the applicant. The TAC comments shall be summarized and provided to the applicant.
- f. Comments made during the TAC review of the Sketch Plan shall not infer approval or other special status on the plat, but are intended to allow a subdivider to determine the feasibility of the project prior to incurring extensive costs for surveying and engineering.

2. **RECOMMENDED EXHIBITS IN PREAPPLICATION SKETCH PLAN SUBMISSION.**

- a. A location map showing the relationship of the proposed subdivision to existing and proposed streets and other community facilities and the total ownership of the subdivider in the vicinity of the proposed subdivision area.
- b. General subdivision information, including the proposed name of the subdivision; name and address of the owner; name and address of the engineer or surveyor or land planner (if any); tract boundaries; north point and date; streets on and adjacent to the tract; significant topographical and physical features (including general soils information and tree clusters); proposed general street layout and proposed general lot layout; a simplified sketch of the proposed method of storm drainage; and any required easement for road widening purposes.
- c. If the proposed subdivision is located in the Somerset County Critical Area, the following addition information should also be shown:
 - (1) Tidal and non-tidal wetlands;
 - (2) Streams;
 - (3) Areas of steep slopes, highly erodible and other soils with development constraints;
 - (4) Shore and stream Buffer (100 foot minimum);
 - (5) Natural resources protection areas, including wildlife habitats and Habitat Protection Areas, and forests and developed woodlands on or in the vicinity of the proposed subdivision;
 - (6) The Critical Area Boundary and the applicable land management classification(s), i.e., Intensely Developed Area (IDA), Limited Development Area (LDA), or Resource Conservation Area (RCA);
 - (7) Computation of the amount of acres in the Critical Area District; and
 - (8) The location and extent of existing and/or proposed shore erosion abatement approaches.

- C. **PRELIMINARY PLAT**. The purpose of the Preliminary Subdivision Plat is to provide a basis for the Commission's conditional approval of a proposed subdivision in order to minimize changes and revisions which might otherwise be necessary on the Final Plat.

Following the review of the Sketch Plan, if submitted, the subdivider shall, if he chooses to proceed, prepare a Preliminary Plat, which should be in accordance with the changes and comments offered in the review of the Preapplication Sketch Plan.

The Preliminary Plat, along with the supplementary information specified herein and the required fees, shall be submitted by the subdivider or his representative to the Administrator.

1. **PRELIMINARY PLAT SUBMISSION PROCEDURE**.

- a. Applicant prepares Preliminary Plat and application and submits nine (9) copies of the Preliminary Plat and application to the Administrator.
- b. The Administrator checks the submission for its completeness and if incomplete, returns it to the applicant with deficiencies indicated. If the submission is complete, then it is accepted for review.
- c. The Administrator shall distribute copies of the Preliminary Plat and application to the Technical Advisory Committee (TAC) for their review, and call a meeting of the TAC to discuss the Preliminary Plat with the subdivider. The subdivider shall be advised to incorporate any recommended changes to the plat and resubmit the plat to the Administrator at least ten (10) working days prior to the Planning Commission meeting at which it is to be presented. Preliminary Plats for major subdivisions not submitted at least ten (10) working days prior to the Planning Commission meeting date shall not be accepted for review by the Administrator at the next regularly scheduled meeting of the Planning Commission. This requirement may be waived by the Administrator for Preliminary Plats for minor subdivisions.

If, in the judgement of the Administrator, the proposed subdivision will involve a substantial new school load and/or create the need for or provide a new park site or recreational facilities, then he shall request additional copies of the Preliminary Plat and application for distribution to the appropriate agency or authority.

- d. The member of the Technical Advisory Committee may submit written comments and recommendations to the Administrator for consideration by the Planning Commission.

- e. A Preliminary Plat shall not be considered complete, nor shall it be accepted for review by the Planning Commission until the Preliminary Plat has either been approved by the Somerset County Health Department or by the Somerset County Sanitary Commission for sewerage and water service. Subdivision lots of ten (10) or more acres that are deed and plat restricted for conservation purposes or so designated for agricultural use only may be approved without water and sewerage service.
- f. The Commission shall, at its next regularly scheduled meeting held within thirty (30) days of receipt of the submission, review the applicant's submission and TAC recommendations. The Commission shall also hear the applicant's presentation and discuss the submission with the applicant.
- g. Within the same evening or at least within sixty (60) days following the Commission's review meeting of the Preliminary Plat, the Commission shall evaluate the applicant's submission, presentation, discussion with the applicant, and the agency reports. The Commission shall then determine whether the Preliminary Plat meets the objectives and requirements of these Regulations and other County Regulations and Ordinances and may either approve, conditionally approve, or reject the Preliminary Plat. The Commission shall inform the applicant in writing of their decision, including required changes in the Preliminary Plat and the reasons for their decision. The Planning Commission may also table the plat for consideration at a subsequent meeting if there is a lack of information or if substantial changes are necessary to make the plat acceptable to the Commission.
- h. The decision of the Commission to approve the Preliminary Plat shall be recorded on two (2) copies of the Preliminary Plat, with appropriate references and attachments. One (1) copy shall be returned to the subdivider; the other shall be retained by the Commission.
- i. If the Planning Commission rejects the Preliminary Plat, it shall set forth the reasons for rejection in the Commission minutes. A disapproved or voided Preliminary Plat has no status and any further submission shall be treated as a new application.
- j. Approval of the Preliminary Plat shall constitute conditional approval of the subdivision as to character and density but shall not constitute approval of the Final Plat or authorize it to be recorded with the Clerk of the Circuit Court of Somerset County or authorize the sale of lots or the construction of any buildings.

- k. Approval of the Preliminary Plat shall be valid for a period of two (2) years; however, such approval may be extended for up to one (1) year subject to a request by the subdivider and a favorable finding by the Commission.
- l. If requested by the applicant, the Planning Commission may give final approval at the Preliminary Plat stage provided all requirements for Final Plat approval are met at the time of submission of the Preliminary Plat.

2. REQUIRED EXHIBITS IN PRELIMINARY PLAT SUBMISSION.

- a. Drafting Standards: the plat shall be prepared at a scale of no smaller than 1" = 100' unless waived by the Administrator for practical difficulty; all dimensions shall be in feet; each sheet shall be numbered and shall show its relationship to the total number of sheets; where any revision is made, or when the plat, dotted lines shall be used to show features or locations to be abandoned and solid lines to show the presently proposed features; the plat shall be so prepared to bear an adequate legend to indicate clearly which features are existing and which are proposed; the boundary line of the subdivision shall be shown as a solid heavy line.
- b. Vicinity Map: shall be prepared at a scale sufficient to clearly identify the location of the property.
- c. Preliminary Plat: shall be prepared at a scale of no smaller than 1" = 100' unless waived by the Administrator for practical difficulty and sheets shall be less than 18" by 24" and no larger than 24" by 36". The Preliminary Plat shall be prepared by an engineer or surveyor and shall show graphically or by notes the following information:
 - (1) The name of the subdivision (all subdivisions shall be named), Election District, the Somerset County Planning and Zoning Commission Plat Number, as assigned by the Administrator;
 - (2) The name and address of the owner and/or developer;
 - (3) The name and address of the engineer or surveyor responsible for the plat;
 - (4) The present zoning classification;
 - (5) The current designation of the Comprehensive Water and Sewerage Plan;
 - (6) The date, north point, scale and number of sheets;

- (7) The acreage in the subdivision and acreage remaining in the tract, if any, the acreage in public or other land usage; the average square footage per lot; the square footage of the smallest lot; and the total number of lots;
- (8) The boundaries of the tract shall be shown on the plat with the exception of residual areas of at least twenty (20) acres where no change in land use is proposed;
- (9) The location, names and widths of existing streets, the location of existing property lines and names of owners, the location of existing water courses, sanitary sewers, storm drains, and similar features within four hundred (400) feet of any part of the land to be subdivided. Any known walls within two hundred (200) feet shall also be identified;
- (10) The location, site and ownership of all underground utilities, and any rights-of-ways within the property including an easement showing means of entry and exit to any burial site located within the subdivision;
- (11) Location of existing buildings, the outline of all wooded areas, marshy areas, and any floodprone areas;
- (12) The proposed layout of streets, including suggested street names, their rights-of-way widths, an indication as to the type of street proposed (either written description or by similar cross-section sketch), and an indication of the location and sizes of sidewalks, if any, the proposed methods for drainage and the dimensions of any required easement for road widening purposes;
- (13) The proposed layout and approximate dimensions of lots, lot and block numbers and their appropriate dimensions;
- (14) The location of proposed parks, school sites or other public or private open spaces;
- (15) The location and width of proposed storm drainage easement and rights-of-way;
- (16) The location and sizes of proposed utilities (beyond those specified above) and all rights-of-way and/or easements proposed to be created for same;
- (17) The designation on each lot of its proposed land use;
- (18) Where the Preliminary Plat covers only a part of the owner's entire holding, a

sketch of the prospective street layout for the remainder shall be submitted, if additional development on the site is planned; and

- (19) Note existing Tax Map Number, Block, and Parcel Number on plat.
- d. Topography Map (may be combined with Preliminary Plat): shall be prepared at a scale no smaller than 1" = 100' by an engineer or surveyor and shall show the topography on two (2) foot contours, provided however, that if the ground slope is sufficiently steep for five (5) foot contours to show the surface configuration, the larger contour intervals may be permitted. Smaller contour intervals may be required where two (2) foot contours do not indicate existing surface conditions. Indicated on the topographic map shall be existing and proposed natural and man-made features which are on the site (those features listed above under (c)). If the subdivision site is flat, the Administrator may have the authority to waive this requirement.
- e. A separate copy of proposed deed covenants, if any, and a copy of any deed restrictions or proposed homeowners regulations.
- f. For proposed subdivisions located in the Critical Area, the following additional information will be shown on the Preliminary Plat as applicable:
- (1) Computation of the total area within the Critical Area Overlay District, area within each of the land management classifications (i.e., IDA, LDA, RCA), number of lots in the Critical Area;
 - (2) Slopes 15 percent or greater;
 - (3) Location and areal extent of all soils with: (1) septic limitations; (2) wet soils; (3) hydric soils; and (4) soils with hydric properties as shown on the Somerset County Soil Survey;
 - (4) Location of all existing or proposed site improvements (including storm drains, culverts, retaining walls, fences, storm water management facilities as well as any sediment and erosion control structures);
 - (5) Location of open space areas, the Buffer and other buffer areas, forested areas and landscaping (the plan shall show all areas to be maintained as landscaping to be provided and the means by which such landscaping will be permanently maintained shall be specified);
 - (6) Location of all Habitat Protection Areas on the site;

- (7) Location of tidal and non-tidal wetlands on and adjacent to the site and delineation of the watershed thereof;
 - (8) Location of eroding shoreline reaches, the rates of erosion, areas, where shore erosion measures are in-place, areas to be protected by installation of proposed erosion abatement approaches;
 - (9) Location of anadromous fish spawning stream(s) on or adjacent to the site and a delineation of the watershed area of the stream on the site;
 - (10) Areas to be retained in agriculture and/or forestry use;
 - (11) Areas proposed for reforestation and afforestation;
 - (12) Total area of the site that will be temporarily disturbed during development and area that will be permanently disturbed (disturbed is defined as any activity occurring on an area which may result in the loss of or damage to existing natural vegetation);
 - (13) Proposed natural park areas, as appropriate;
 - (14) The location of the Critical Area District Boundary, the mean high waterline and the landward edge of tidal wetlands; and
 - (15) Proposed covenants on required open space areas.
- g. **Additional Information Required** - In addition to the information above, the Preliminary Site Plan shall be accompanied by the following when the subdivision or development is proposed in the Critical Area, as required;
- (1) A planting plan for reforested and afforested areas and a Forest Management Plan with the comments by the Department;
 - (2) A Habitat Protection Plan, including the comments of the Maryland Forest, Park and Wildlife Service;
 - (3) An executed Cooperators Agreement with the Somerset County Soil Conservation District or farm plan, as applicable;
 - (4) Submittal of a stormwater management plan to the Department;

- (5) A preliminary Sediment and Erosion Control Plan;
 - (6) A Shore Erosion Protection Plan – complete specification for proposed shore erosion work;
 - (7) A Natural Park Management Plan, as appropriate; and
 - (8) An Environmental Assessment Report which provides a coherent statement of how the proposed development addresses the goals and objectives of the Somerset County Chesapeake Bay Critical Area Program. At a minimum, the Environmental Assessment shall include:
 - (a) A statement of existing conditions, e.g. amount and type of forest cover, amount and type of wetlands, discussion of existing agriculture activities on the site, soil types, topography, etc.;
 - (b) Discussion of the proposed development project, including number and type of residential units, amount of impervious surface, proposed sewer treatment and water supply, acreage devoted to development, proposed open space and habitat protection areas;
 - (c) A discussion of the proposed development's impacts on water quality; and
 - (d) Documentation of all correspondence and findings.
- h. Outside of the Critical Area, an environmental assessment is required for all major subdivisions. The assessment shall include the following:
- (1) A statement of existing resources and conditions, including any sensitive areas.
 - (2) If a Forest Stand Delineation has been prepared under the Forest Conservation Requirements, it will serve to meet this requirement.
 - (3) A discussion of the proposed subject, including density and impervious surface.
 - (4) An assessment of any impacts on water quality and supply and on existing natural resources; any mitigation planned for the site. In the case of major subdivisions, the TAC may require a hydrological study be performed to meet this requirement.

(5) Submittal of a stormwater management plan to the Department and a proposed sediment and erosion control plan.

- i. Major subdivisions must demonstrate in a written report, to accompany the environmental review, that adequate facilities exist or will be undertaken to support the subdivision. The TAC may recommend and the Planning Commission require a traffic study or additional information to meet this requirement.

D. **FINAL PLAT**. The purpose of the Final Plat is to require final approval by the approving authority before plats for all subdivisions (including minor subdivisions) are recorded by the Clerk of the Circuit Court.

Upon approval of the Preliminary Plat, the subdivider may proceed with the preparation and submission of a Final Plat provided that all requirements for preliminary and final plat approval are met. Final plats shall be submitted in conformance with all procedures and shall contain all information specified in this Section except where variation therefrom is approved in writing by the Commission.

Minor subdivisions may be processed as Final Plats directly without having to submit first the Preliminary Plat, provided that all requirements for Final Plat approval are met. The Administrator shall have the authority to approve Final Plats for minor subdivisions of land, upon completion of TAC review, and/or minor adjustments in lot lines without the necessity of the Preliminary Plat procedures, or going before the Planning Commission.

The Final Plat, along with the supplementary information specified herein and the required administration fee, shall be submitted by the subdivider or his representative to the Administrator within two (2) years of the date that the Preliminary Plat was approved, or approved extension thereof.

1. FINAL PLAT SUBMISSION PROCEDURE.

- a. Applicant prepares the Final Plat and application and submits five (5) copies of the Final Plat plus the original reproducible mylar. The Administrator shall check the submission for its completeness and check it against its approved Preliminary Plat (In the case of minor subdivisions, there will not necessarily be a former Preliminary Plat so the Administrator shall check the submission only for its completeness). If the submission is incomplete or it differs substantially from the conditionally approved Preliminary Plat, the Administrator shall return all materials immediately to the applicant with the deficiencies indicated. If the submission is complete, is submitted at least ten (10) working days prior to the Planning Commission meeting and it follows the conditionally approved Preliminary Plat, then it shall be accepted for review.
- b. The Final Plat shall require an Improvement Plan as required by Section IV and the guarantees for construction of improvements as required by Section IV of this Ordinance. The Final Plat shall not be signed by the Planning Commission until all improvement plans and guarantees for construction or other actions have been reviewed and approved by the appropriate agencies.
- c. The Administrator shall distribute copies of the Final Plat, Improvement Plans, guarantees and application for review and approval by the appropriate agency or authority. In addition, copies of the Final Plat shall be submitted to the members of the TAC for review and comment. The Administrator may call a meeting of the TAC to discuss the Final Plat with the subdivider.
- d. Complete Final Plats submitted at least ten (10) days prior to the Planning Commission meeting shall be reviewed by the Commission, along with any review reports from all agencies. The Planning Commission will hear the applicant's presentation and discuss the submission with the applicant.
- e. Within the same evening or within thirty (30) days following the applicant's submission date, the Commission shall evaluate the applicant's submission, presentation, discussion with the applicant and the agency reports. The Commission shall then determine whether the Final Plat meets the objectives and requirements of these Regulations and all other County regulations and Ordinances. The Planning Commission shall approve, approve with modifications or conditions or deny the Final Plat. The Planning Commission may also table the Final Plat for consideration at a subsequent meeting if there is a lack of information or if substantial changes are necessary to make the Final Plat acceptable to the Commission. If approval is

denied, the Planning Commission shall set forth the reasons for denial.

- f. After approval of a Final Plat by the Planning Commission, the subdivider shall submit at least five (5) copies of the Final Plat on linen or mylar of good quality or other comparable material to the Department of Technical and Community Services for signatures and recording. Prior to the approving authority signing the Final Plat, the Administrator shall review the plat for all required signatures.
- g. The Chairman of the Planning Commission or his designee from the Planning Commission shall be empowered to sign the Final Plat when satisfactory review indicates that it meets all requirements of these regulations and that all conditions for approval by the Planning Commission have been met. The Chairman of the Commission or his designee shall then sign the originals of the applicant's Final Plat in black india ink and give the originals to the Administrator for processing.
- h. The Administrator shall then have the original of the signed Final Plat recorded on behalf of applicant with the Clerk of the Circuit Court.

2. REQUIRED EXHIBITS IN FINAL PLAT SUBMISSION.

- a. Drafting standards: The Final Plat shall be prepared at a scale of no smaller than 1" = 100' unless waived by the Administrator for practical difficulty; the Final Plat shall be a reproducible mylar or linen base drawn with black india ink; all dimensions shall be in feet and decimal parts thereof to the nearest hundreds; bearings shall be in degree minutes and seconds to the nearest 30 seconds; each sheet shall be numbered and shall show its relationship to the total number of sheets; the boundary line of the subdivision shall be shown as a solid heavy line; all lettering shall be so drawn as to be legible if the plat should be reduced to half size.
- b. Vicinity Map: Shall be prepared at a scale sufficient to clearly identify the location of the property.
- c. Final Plat: Shall be prepared on sheets no less than 18" by 24" and no more than 24" by 36". Minor subdivision plats may be prepared on sheets size 8 1/2" by 14" and shall include the topography of the plat (following standards specified in part (d), subsection III.0.1. The Final Plat shall be prepared by an engineer or surveyor and shall show graphically or by notes the following information:
 - (1) Name of the subdivision, Election District Number, Somerset County, Planning and Zoning Commission Plat Number as assigned by the Administrator;

- (2) Name, address and signature of the owner or power of attorney;
- (3) Name, address and signature of the engineer or surveyor responsible for the Plat;
- (4) Date, north point, scale, number of sheets;
- (5) State Department of Health Certification;
- (6) Acreage in the subdivision and acreage remaining in the tract, if any; acreage in public or other land usage;
- (7) Boundaries of tract shall be shown on the plat with the exception of residual areas of at least twenty (20) acres where no change in land use is proposed.
- (8) Sufficient data to determine readily the location, names, and widths of existing streets; the location of existing property lines and names of owners; the location of existing water courses, sanitary sewers, where they constitute property boundaries;
- (9) Locations, sizes and ownership of any rights-of-way and/or easements within the property;
- (10) The proposed layout of streets including street names, and right-of-way widths of all proposed streets or private roads and the dimensions of any required easement for road widening purposes;
- (11) The proposed lot layout, including dimensions, their square footage area and the number of lots and block numbers;
- (12) Sufficient data to determine readily the location, bearing, and length of every street, lot and boundary line;
- (13) The radius, central angle, point of tangent, tangent distances, and arcs chord bearings and chords of all curved streets and curved property lines;
- (14) The location, width, and purpose of all easements or rights-or-way and boundaries by bearings and dimensions;
- (15) The accurate location and descriptions of all existing and new permanent reference points;

- (16) The proposed front, side and rear setbacks for all lots including corner lot conditions;
 - (17) The location of existing buildings within the subdivision; and
 - (18) In the case of apartment projects, the number and type of apartments in each building shall be stated and the off-street parking per apartment unit shall be shown.
- d. A separate copy of proposed deed covenants, if any, and a copy of any deed restrictions or proposed homeowners regulations.
 - e. Tabulation on Final Plat (above approval block) showing the following for subdivisions wholly or partially located in the Critical Area:
 - (1) Total number of lots and/or parcels to be recorded;
 - (2) Total area of lots and/or parcels including widening strips;
 - (3) Total area of roadways to be recorded;
 - (4) Total area of subdivision to be recorded and where density restrictions apply, the acreage dedicated to the development;
 - (5) Total area of subdivision or parcels to be recorded in the Critical Area District;
 - (6) Total number of lots in the Critical Area District; and
 - (7) Residential density in the Critical Area District.
 - f. For subdivisions in the Critical Area, accurate outlines (metes and bounds, where required) of any open space areas, common or reserved areas, or portions of lots to be maintained by covenant, easement or similar approved instrument in permanent forest cover including existing forested areas, reforested areas, and afforested areas.
 - g. For subdivisions in the Critical Area, accurate outlines (metes and bounds, where required) of any areas to be maintained as resource protection use (e.g. agriculture, natural parks, forest, etc.).

- h. For subdivisions in the Critical Area, accurate outlines (metes and bounds, where required) of any areas to be maintained as permanent wildlife and plant habitat protection area or areas.
- i. All final subdivision plats must have approved Forest Conservation, Stormwater Management and a Public Improvement Plan.

3. **FINAL PLAT RECORDING REQUIREMENTS.**

The Record Plat shall be clear and legible on mylar or linen. The following information shall appear on the Record Plat, in addition to the information required in paragraph 2 of subsection D:

- a. **Seals.**
 - (1) The impressed seal of the licensed engineer or surveyor responsible for the plat; and
 - (2) The impressed corporation seal, if the applicant is a corporation.
- b. **Acknowledgements.**
 - (1) A statement to the effect that the applicant is the owner of the subdivision shown on the Final Plat is made with his or their consent, that it is desired to record the same and that all requirements of Maryland law have been met.
- c. **Notations.**
 - (1) For all subdivisions in an RCA, located on parcels or tracts that are not immediately adjacent to IDA or LDA, the following notation shall be placed in the Final Plat and shall be a recorded deed covenant for each lot:

“This subdivision is denoted as ‘Residential Farm Community.’ The purpose of the Residential Farm Community denotation is to place all lot owners in this development on notice that it is the intent of Somerset County to promote the preservation of the County’s valuable and irreplaceable farmland and commercial forests by discouraging intense development in Resource Conservation Areas (RCAs) that are not adjacent to existing towns, community centers, and villages. In these areas, the County intends to preserve, encourage and protect farm and forest resources and their productivity to ensure that agriculture and forestry enterprises will continue to have the necessary flexibility to adjust as economic conditions change. Therefore, it is the specific intent of the County to give priority to agriculture

and forestry activities in these areas. Furthermore, it is the intent of the County that there shall be no basis, under this Ordinance, for recourse against the effects of normal farming and forestry operations as permitted, including, but not limited to, noise, odor, vibration, fumes, dust or glare.”

d. **Signatures.** The following signatures shall be placed directly on the plat in black india ink in addition to those required in paragraph 1(i) of subsection 3.4:

- (1) The signatures of the owner or owners of the land. If the owner of the land is a corporation, the signatures of the duly authorized officers of the corporation shall appear.
- (2) The signature of the licensed engineer or surveyor who prepared the plat.
- (3) The signature of the Chairman of the Planning and Zoning Commission, or the Administrator in the case of minor subdivisions not located in the Critical Area.
- (4) The signature of the Somerset County Health Officer.
- (5) The signature of the Sanitary Commission Chairman.

4. **EFFECT OF RECORDING PLATS.** Streets, parks, and other public improvements shown on subdivision plats to be recorded may be offered for dedication to the County by formal notation thereof on the plat or the owner must note on the plat those improvements which have not been offered for dedication to the County.

Recording of the Final Plat by the Planning Commission via the Administrator shall not be deemed to constitute or effect an acceptance by the public of the dedication of any street or other proposed community park or improvement shown on said plat but improvement so noted for dedication may be accepted by the public through any subsequent appropriate act.

All community improvements to be dedicated shall be dedicated by deed subject to acceptance by the Somerset County Board of County Commissioners (see Section VI).

SECTION IV

REQUIRED IMPROVEMENTS

- A. **PURPOSE.** The purpose of this section is to establish and define the community improvements which will be required to be constructed by the applicant as condition for Final Plat approval.

All construction shall be completed in accordance with the specific conditions of the commitment and accepted drawings and specifications, and in the manner acceptable to the County Commissioners, Planning Commission, Health Department, Sanitary Commission, and other applicable officials.

All proposed construction shall be coordinated in both design standards and in construction scheduling with the existing requirements or activities of adjoining incorporated areas. A public works agreement shall be executed with the County which guarantees the required improvements required herein.

When older roads within the County Road System do not meet the current standards of the Roads Board for width of right of way, additional development can cause the rapid deterioration of the level of service provided. Each development activity contributes to the need for road expansion. The County, therefore, requires that, as the fairest and surest way of ensuring that such roads will continue to be able to carry the increased demand as development occurs, thus accommodating prospective traffic and affording satisfactory access to police, firefighting, ambulance, road maintenance equipment and other services to adjoining properties, a reasonable easement providing a right of way for widening purposes shall be provided along existing county roads adjacent to any proposed subdivision. The required easement shall be designated on the subdivision plat and a notarized document assigning the easement to the County shall be provided.

In addition, in the case of major subdivisions which may cause the need for substantial roadway improvements, the Department of Technical and Community Services, in consultation with the Roads Department, may require that a traffic study be submitted as a part of the project proposal.

B. PERMANENT REFERENCE POINTS. The subdivider shall cause a registered surveyor to install permanent reference points on the property. Reference points shall be made of materials and be sized and placed in accordance with applicable provisions of Article 21, Section 3, of the Annotated Code of Maryland (1975), as amended. The reference points shall be located at the following locations and same shall be shown on the Final Plat:

1. In at least four (4) convenient places along the perimeter of the subdivision and be placed in such a manner that from the position of one marker the position of one other marker is visible.
2. At all street intersections of streets and alleys with plat boundary lines.
3. At all lot corners.
4. At all points on streets, alleys and boundary lines where there is a change in direction or curvature.
5. Additional locations as may be required by the county according to particular site conditions of the subdivision.
6. All permanent reference points shall be placed in the ground after final grading is completed and they shall be checked for accuracy by the owner's surveyor who shall submit certification in writing to the County that all permanent reference points have been installed.
7. At least one (1) permanent elevation reference/monument for each six (6) lots shall be placed in a dedicated right-of-way in all major subdivisions and at least one (1) such monument shall be required in all minor subdivisions within the floodplain. The location of these elevation references shall be shown on the Final Plat.

C. STREET IMPROVEMENTS. The following requirements shall apply to all subdivision streets within the County limits:

1. GRADING. All streets shall be graded to their full right-of-way width in accordance with County Roads Standards or private roads standards. Finished grade, cross section and profile shall be approved by the County.
2. PAVING. Road base and paving shall be installed in accordance with the specifications and standards of the County Roads Standards or private roads standards.

- D. BRIDGES AND CULVERTS.** Bridges and culverts shall be designed by an engineer and constructed only at locations approved by the County in accordance with official plans and the specifications and standards of the County and/or State.
- E. UTILITIES.** Sanitary sewer and water distribution systems, if required by the County Zoning or Health Department regulations, shall be designed by an engineer, installed by the subdivider at his cost and approved by the County and Sanitary Commission in accordance with State Health Department regulations.
1. **FIRE HYDRANTS.**
 - a. The number and location of fire hydrants shall be approved by the County and shall meet the requirements of fire insurance underwriters or similar formula.
 2. **UTILITY LINES.**
 - a. Every subdivision lot shall be provided with electric and telephone facilities and service, to be installed at the subdivider's expense.
 - b. All utility lines for electricity, telephone, gas and television communication shall be placed underground, with the exception of major electrical lines and major telephone lines which serve more than one residential street.
- F. WATER AND SEWER TRUNK LINE EXTENSIONS.** The cost of trunk line extensions for either water or sewer, when required for the development of subdivisions and when the primary benefits to be derived from said extensions accrue to said subdivisions, shall be paid by the developer thereof. In the event the County Sanitary Commission should determine at its sole discretion that the extension of a water and sewer trunk line shall be for the common good of various areas or lands abutting thereon or capable of being served thereby, and it is determined by the County Sanitary Commission that the extension thereof shall be economically feasible to the County, then the cost thereof or a proportionate part may be paid by the County Sanitary Commission. In no event shall the County Sanitary Commission be required to extend any such truck line or pay the cost thereof except upon its own violation and after appropriate action of the County Commissioners and the County Sanitary Commission.
- G. STORM DRAINAGE.** Storm drainage shall be provided for in accordance with the Somerset County Stormwater Management Ordinance.
- H. SHORE EROSION CONTROL STRUCTURES.** Shore erosion control structures, when deemed necessary or required by the County, shall be approved by the Corps of Army Engineers.

- I. **SIGNS**. Street name signs shall be provided by the subdivider.
- J. **PLANTING AND FOREST MANAGEMENT PLANS**. The subdivider in the CA-1 Somerset County Critical Area Overlay District shall prepare and submit a planting plan and/or Forest Management Plan for areas where planting is required and a shoreline protection plan for areas of eroding shore to be stabilized.
- K. **OPEN SPACE MAINTENANCE PLAN**. A detailed proposal, including covenants, agreements, and other specific documents showing ownership and the method of assuring perpetual maintenance to be applied to those areas of common open space, recreation areas, and Habitat Protection Areas in developments located in the CA-1 Somerset County Critical Area Overlay District.
- L. **PUBLIC IMPROVEMENT PLANS**.
1. The subdivider shall prepare and submit all drawings required to complete construction of streets, storm drains, electric and telephone lines, water mains and sanitary sewers together with all necessary appurtenances thereto in accordance with the procedures and criteria contained in all standards required by County or State agencies. These drawings are known collectively as the Public Improvement Plan. A Preliminary Improvement Plan is required at the time of final plat submittal. Final Cost estimates are not required at this time. The Plan shall cover all proposed improvements and stipulate those elements that will require bonding or other surety in accordance with the requirements set forth for a Public Works Agreement (PWA). Any final plat approval requiring a Public Improvement Plan and a PWA is conditional upon the completion of both and no signature shall be affixed nor plat filed until their acceptance by the Board of County Commissioners.
 2. In the case of a single lot minor subdivision requiring only sewer/water line extension or a benchmark, an approved estimate of costs, plus surety in the amount of 110%, payable to the Board of County Commissioners, may substitute for a Public Works Plan and Agreement.
 3. The subdivider shall file with the Final Plat, four (4) copies of the Public Improvement Plans. These documents shall be filed with the Department of Technical and Community Services.
 4. The subdivider shall prepare and submit complete project specifications when they are other than or different from the Somerset County standards. Grading, control of siltation, erosion and plantings shall be included. In addition, the subdivider shall

submit a tabulated estimate of all quantities and costs including contingent items related to placing or constructing all required public improvements and a plan for their continued maintenance.

5. The subdivider shall furnish plans and specifications for providing adequate stormwater drainage facilities and sediment control measures.
6. The subdivider shall include a Letter of Certification from the Roads Director stating that an easement assigning to the County Commissioners the right of way necessary for road widening has been received and is acceptable to the County.
7. The subdivider shall furnish any design data and computations as required by the County. The design data and computations shall be in accordance with the form and procedures established by the Department of Technical and Community Services.
8. Public Improvement Plans shall be signed and sealed by registered professionals licensed in the State of Maryland as designated herein:
 - a. Professional Engineer - All engineering and grading plans as well as community sewer and water plans.
 - b. Land Surveyor - Survey drawings, road, grading and sediment control plans.
 - c. Landscape Architect - Grading and sediment control plans.
9. Following approval, the subdivider shall provide the Department of Technical and Community Services with three (3) sets of all Public Improvement Plans.

M. INSPECTION. All improvements shall be inspected by the County or respective County agencies for compliance with adopted plans, prior to final acceptance.

SECTION V

DESIGN STANDARDS

- A. APPLICATION.** The standards and requirements outlined herein shall be considered minimum standards and requirements for the promotion of the public health, safety, and general welfare.

Where literal compliance with the standards herein specified is clearly impractical, the Commission may modify or adjust the standards to permit reasonable utilization of property while securing substantial conformance with the objectives of these Regulations. In no event, shall the Commission have the authority to modify the standards as established or enacted by the County Roads Department, the Sanitary Commission, the County Health Department (or any other State or local agency).

B. GENERAL REQUIREMENTS.

1. Land shall be suited for the purposes for which it is to be subdivided. The subdivision shall be laid out as to proper design and improvement, form and dimensions; and in relationship to street and lot design, as well as proposed and existing land uses in the proposed subdivision and adjoining areas. The land use pattern of the adopted County Comprehensive Plan, Critical Area Program and the regulations of the Zoning Ordinance shall form the basic theme for the design pattern.
2. Where trees, waterways, scenic points, historic sites and structures, or other assets and landmarks are located within a proposed subdivision, the Commission shall see that all practical means be taken to preserve these features.
3. Development of designated “Conservation Zones” as determined by the County Zoning Ordinance shall be restricted to uses specified in the County Zoning Ordinance and in accordance by the Somerset County Soil Conservation Service.
4. The Commission shall restrict the subdivision of any land found by the Commission to be unsafe for development. When such conditions exist, reports will be made to the Commission utilizing standards and criteria contained in the Somerset County Soil Survey, as well as inspection reports by the County Zoning Inspector and the Soil Conservation District and such reports may be used by the Commission in reaching a decision regarding restrictions. The restrictions may be due to natural conditions, such as but not limited to, flooding, erosive stream action, unstable soil conditions, or man-made conditions such as unstable fills, or slopes. With respect to unsafe land (but within the Conservation Zone), the Commission may permit to be platted or part of a lot if there is sufficient stable ground elsewhere on the lot to erect a building or

dwelling within the required setbacks of the Zoning Ordinance classification.

5. The name of the subdivision must have the approval of the Commission. The name shall not duplicate nor closely approximate the name of any existing subdivision in the County.
6. In addition to other provisions of the County Zoning Ordinance and Subdivision Regulations, the following will apply to all subdivision of land located within the CA-1 Somerset County Critical Area Overlay District as defined by the Somerset County Critical Area Program and the Chesapeake Bay Critical Area Law and Criteria:
 - a. Where a tract of land bordering tidal water, tidal wetlands, or tributary streams in the Critical Area is to be subdivided and a Buffer exemption has not been granted by the County Commissioners, a Buffer of at least one hundred (100) feet shall be established in natural vegetation (except areas of the Buffer which are planted in vegetation where necessary to protect, stabilize, or enhance the shoreline). No development including septic systems, impervious surfaces, parking areas, roads, or structures, are permitted in the Buffer. However, approved development or expansion of water-dependent facilities, as defined in the Somerset County Zoning Ordinance, and private wells are exempt from these Buffer provisions.
 - b. If the lot ownership extends to the water, wetlands, or streambed then the Buffer shall be included in the required setback distance for building on that lot, except in the case of water-dependent facilities. Where the Buffer is to be owned and maintained by a Homeowners or similar organization, the required setback distance shall be measured from the property line separating that lot from the designated Buffer. This Buffer, when not included in the lots, may be included in calculating the required open space.
 - c. When the buffer is not fully forested, it will be expanded to include contiguous sensitive areas. This expansion will occur whenever new land development or other land disturbing activities, such as clearing natural vegetation for agriculture or mining, are proposed. The expanded Buffer must be shown on plans required for such development or activities. Sensitive areas are defined as follows: 1) Hydric soils and soils with hydric properties as designated by the Soil Conservation Service; and 2) Steep slopes greater than 15 percent. The Buffer shall be expanded according to the following rules:

- (1) When the site of the proposed land disturbance drains to a slope greater than fifteen (15) percent contiguous to the Buffer, the Buffer shall be expanded four (4) feet for every percent of slope or to the top of slope, whichever is greater, but in no case more than ten (10) feet beyond the top of the slope greater than fifteen (15) percent.
 - (2) Where the site of the proposed land disturbance drains to the Buffer not fully covered by forest or developed woodland, the Buffer shall be expanded from one hundred (100) feet to one hundred thirty (130) feet or to the upland limit of adjacent hydric soils, soils with hydric properties, and erodible soils, whichever is less.
 - (3) The applicant may provide afforestation in the Buffer as an alternative to expanding the Buffer to include hydric soils, soils with hydric properties, and erodible soils, provided that no area of hydric soils is classified as a nontidal wetland. Afforestation must be in accordance with Section 6 of the Somerset County Zoning Ordinance.
- d. All subdivisions in the CA-1 Somerset County Critical Area Overlay District shall be subject to the Habitat Protection criteria and guidelines prescribed in the Somerset County Critical Area Program.
- e. The subdivider shall be required to identify stormwater management practices appropriate to site development which achieve the following standards:
- (1) In areas designated Intensely Developed Area on the Somerset County Critical Area Overlay District Map, the subdivider shall demonstrate that the best management practices for stormwater assure a ten (10%) percent reduction of pre-development pollutant loadings (see Stormwater Management Ordinance for computation methodology);
 - (2) The subdivider shall delineate those site areas not covered by impervious surfaces to be maintained or established in vegetation. Where vegetation is not proposed, the developer shall demonstrate why plantings for such portions of the site are impracticable. Types of planting and vegetation proposed shall be in accordance with guidelines established in Section 6, Somerset County Zoning Ordinance; and
 - (3) The subdivision shall be designed to assure those features or resources identified as Habitat Protection Areas area afforded protection as prescribed in the Habitat Protection Element of the Somerset County Critical Area

Program.

- f. Roads, bridges and utilities serving lots shall be located to avoid disturbance to Habitat Protection Areas. When no alternative exists and such infrastructure must cross or be located in Habitat Protection Areas, the developer shall demonstrate how impacts to Habitats have been minimized and that no feasible alternative location of such infrastructure exists.
- g. All roads, bridges, lots or other development which cross or are located adjacent to tributary streams in the Critical Area shall:
 - (1) Be designed in a manner to reduce increases in flood frequency and severity;
 - (2) Provide for the retention of natural streambed substrate;
 - (3) Minimize adverse impacts to water quality and storm water runoff; and
 - (4) Retain existing tree canopy in the Buffer adjacent to tributary streams.
- h. Lots and open space areas shall be located and designed to provide for maintenance of existing site wildlife and plant habitats and continuity with those on adjacent sites. Existing wildlife corridors shall be identified on proposed development plats. When wildlife corridors exist or are proposed, they shall include any existing Habitat Protection Areas and connect large forested areas on or adjacent to the site.
- i. Impervious surfaces in subdivisions located in Limited Development Area (LDA) of the CA-1 Somerset County Critical Area Overlay District shall be limited to fifteen (15) percent of the gross site area proposed for development, except that impervious surfaces on any lot not exceeding one (1) acre in size in a subdivision approved after June 1, 1986 may be up to twenty-five (25) percent of the lot.

C. GENERAL REQUIREMENTS FOR STREETS.

- 1. **RELATION TO PLANS AND SITE CONDITIONS.** The arrangement, character, extent and location of all streets shall conform to the provisions of the transportation element of the County's Comprehensive Plan and shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets. Design and construction of roads and streets shall be done in accordance with County Road Specifications or approved by the Planning Commission under private roads standards.

2. **COUNTY PLANS.** Proposed streets shall further conform to County Plans for streets and highways as have been prepared.

3. **LOCATION OF STREETS.** When no street locations in the Official Plans are shown in the area to be subdivided, the arrangement of streets in a subdivision shall either:
 - a. Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or

 - b. Conform to a plan for the neighborhood approved or adopted by the Commission to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical.

 - c. The street system layout shall be so designed insofar as practical to preserve natural features such as trees, waterways, scenic areas, and other such features.

 - d. Development within primary growth areas, along roads designated in the Comprehensive Plan as major collectors and roads in all areas of the County designated as minor arterials, or higher, shall be allowed access only from a service road or by means of loop roads connecting the main highway at a limited number of points. The Planning Commission may determine after review of the proposal that distinctive physical features of the site render such requirements impractical, or detrimental to the general development plan for the area. The State Highway Administration shall be notified of projects involving State Roads for their recommendations.

 - e. The design of all subdivision lots, on all through roads, shall have adequate area for road access and turn around to preclude vehicles from backing onto roadways.

 - f. On all other roads within the County, that is, those not covered under section C(3)(d), parcels existing as of July 1, 2004 may be subdivided into a total of seven (7) lots (minor subdivision) without the creation of an interior road, subject to the other requirements of this Ordinance. All major subdivisions shall have an internal road that provides access to all lots, unless the Planning Commission determines that for reasons of topography or subdivision layout, certain lots may be served from the existing road in conjunction with the interior road.

4. **STREET NAMES.** Proposed streets which are obviously in alignment with existing streets shall bear the assigned name of the existing street. In no other case shall the name for proposed streets duplicate or be phonetically similar to existing street names. The subdivider shall suggest street names for new streets but final approval of same shall be the authority of the Commission.
5. **MINOR STREETS.** Minor streets shall be so designed that their use by through traffic will be discouraged.
6. **MARGINAL ACCESS STREETS AND REVERSE FRONTAGE LOTS.** Where a subdivision abuts or contains an existing or proposed thoroughfare, highway or railroad, the Commission may require marginal access streets, reverse frontage lots with screen planting contained in a non-access reservation along the rear property line, deep lots with rear service alleys, and/or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic. When a marginal access street is required, it shall be located with a non-access reservation suitably planted and with due regard given to requirements for approach grades and future grade separations in determine distances. Residential lots which are approved by the Commission to have direct access to regional thoroughfares or highways may be required to have greater than minimum depth and setbacks, as a reserve strip or dedication for future widening or the highway, etc.
7. **ALLEYS.** Alleys may be provided at the rear of all lots used for multi-family, commercial or industrial developments but shall not be provided in one (1) and two (2) family residential developments unless the subdivider provides evidence satisfactory to the Commission of the need for alleys. Widths of alleys shall be at least twenty (20) feet but shall not exceed thirty (30) feet.
8. **RESERVE STRIPS.** Reserve strips controlling access to streets, alleys and public grounds shall not be permitted unless their control is placed in the hands of the County under conditions approved by the County.
9. **CUL-DE-SACS.** Cul-de-sacs when planned, shall be provided with a turnaround having a right-of-way radius of at least forty (40) feet.
10. **RELATION TO ADJOINING PROPERTIES.** Where, in the opinion of the Commission, it is desirable to provide for street access to an adjoining property, stub streets may be required to be extended by dedication, to the boundary of such property. Where stub streets are required to abut unsubdivided acreage, temporary paved turnarounds shall be provided at the boundary lines.

Whenever there exists adjoining the tract to be subdivided a dedicated or platted and recorded half street, the remaining width shall be platted with such tract. New half streets will not be permitted except where essential to the reasonable subdivision of a tract in conformance with the other requirements and standards contained herein and where, in addition satisfactory assurance for dedication of the remaining part of the highway, street, or road can be secured.

11. **PRIVATE ROADS OR STREETS.** Approved private roads shall meet requirements of the County Roads Standards or shall be approved by the Planning Commission under private roads standards.
12. **ROADS IN THE CRITICAL AREA.** Roads serving development shall be located to avoid disturbances to “Habitat Protection Areas” as described in the Somerset County Critical Area Program. When no alternative exists and such infrastructure must cross or be located in Habitat Protection Areas, the developer shall demonstrate how impacts to habitats have been minimized and no feasible alternative location of such infrastructure exists.
13. Notwithstanding the private roads standards and County Roads Standards’ requirements, a one (1) lot subdivision without access on an approved right of way may provide access via an unimproved right of way meeting the 20 feet width requirements of the Zoning Ordinance and designated for the sole use of that lot. Unless there is no further opportunity for subdivision under the current zoning, the property must be deed restricted to preclude further use of the right of way. A plat note to this effect is required.
14. Relation to existing County Roads. Where existing county roads have a width of less than 50 feet, the subdivider shall provide a right of way to the County Commissioners consisting of a strip of one-half the required width. The width shall be measured from the center of the existing roadway. The required easement shall be prepared at the expense of the developer and provided to the Roads Director for acceptance by the County. The Department of Technical and Community Services shall receive a letter of Certification from the Roads Director stating that the easement has been received and is acceptable shall be made a part of any public improvement plan and public works agreement and a copy of the document assigning the right of way to the County shall be filed with the subdivision plat.

D. DESIGN STANDARDS FOR STREETS.

1. **STREET RIGHT-OF-WAY WIDTHS** shall be in accordance with County Road specifications and have a minimum fifty (50) foot right-of-way or approved by the Planning Commission under private roads standards.
2. **PAVEMENT WIDTHS** will be determined by the County Roads Engineer, upon acceptance into the County Roads System.
3. **STREET GRADES** shall conform to the standards of the County Roads System.
4. **STREET INTERSECTIONS**. Proposed streets intersecting a State Road shall be approved for location and grade by the District Engineer, State Highway Administration. Approval by the District Engineer is to be in writing on the Preliminary Subdivision Plat and the Final Subdivision Plat. In addition, the following requirements shall be met:
 - a. Streets shall intersect as nearly as possible at right angles and no street shall intersect at less than sixty (60) degrees.
 - b. Intersections with the principal arterial or intermediate arterial highways shall be at least eight hundred (800) feet apart measured from centerline to centerline, at an angle not less than eight (80) degrees.
 - c. Property lines at street intersections shall be rounded with a minimum radius of twenty-five (25) feet. At an intersection angle of less than seventy-five (75) degrees, a greater radius may be required.
 - d. On any Principal Arterial or Immediate Arterial Highway, within one hundred fifty (150) feet of its intersection with another principal arterial or intermediate arterial, the right-of-way and paving width shall be increased by twelve (12) feet on both sides to permit proper intersection design. This additional right-of-way shall be dedicated or deeded as a right-of-way easement.
 - e. Streets with centerline offsets of less than one hundred fifty (150) feet shall not be permitted.
 - f. No structure, tree, plant, or other obstacle to vision will be permitted within fifty (50) feet of an intersection of two or more streets.

5. **PRIVATE ROADS STANDARDS.**

- a. The Somerset County Road Ordinance provides for the development of public roads and delineates standards for such roads. Such standards clearly come under the authority of the Somerset County Roads Board.

However, the Subdivision Ordinance, which under 66B, Annotated Code of Maryland, is carried out by the Planning Commission, designates what roads may be considered private and what standards private roads must meet.

- b. Where literal compliance with the requirements for roads within subdivisions is clearly impractical in the view of the Planning Commission, the following guidelines will apply:

1) Private Roads Specifications/Conditions of Use
Residential Access – 7 lots or less
Less than 250 ADT – 30’ Right-of-Way

The minor subdivision private road section shall only be used where specifically approved by the Somerset County Planning Commission when all of the following conditions have been met. The typical cross section can be waived when serving three (3) or fewer existing dwellings on an existing farm lane of more than 750 feet; however, the other conditions will apply.

- a) The road shall serve no more than seven (7) lots in a minor subdivision only. This road section shall not be permitted in any major subdivision in Somerset County.
- b) The road shall be a controlled area within the subdivision and shall not be a shared existing road unless all existing property owners are signatories to a Maintenance Agreement.
- c) The road must meet the following specifications: sixteen (16) foot travel way (twenty (20) feet with shoulders); an additional twenty (20) feet is required for future utilities. The road must meet the typical cross-section as provided in the appendix. The road may be maintained in gravel. Recommendations on grade may be requested from County Roads. Required road improvements are subject to subdivision requirements for a Public Works Agreement.
- d) If and when there is a desire to make this right-of-way a County road, it shall be upgraded to county road standards as set forth in the Road Ordinance and Subdivision Regulations in effect at the time of said upgrading.

- e) The road will be posted with a permanent sign stating that the road is private and not maintained by the County.
- f) No utility lines shall be permitted within the right-of-way. If existing lines are in the right-of-way, a 20 foot easement outside the roadway should be provided for future relocation.
- g) Private roads more than 300 feet in length are recommended to provide cul-de-sacs that meet County Road Standards.
- h) The subdivision plat will clearly note that the road is private and does not meet County roads standards.
- i) Front setbacks and front yard requirements will be measured from the center of the road and shall add a minimum of 25 feet to allow for possible upgrade of the right-of-way width.
- j) A deed covenant will be required and a note on the plat, restricting the lots created from further subdivision.
- k) Should a residue exist, further subdivision utilizing the private road will require consensus of existing lot owners or meet conditions set by the Homeowner's Association and requires reassessment by the Planning Commission.
- l) A permanent maintenance agreement of the road and any drainageways clearly indicating responsibility and assessment of costs shall be provided and made a part of deed covenants in the form of a Property Owners' Association. The Property Owners' Association shall be given the deed to the road when at least fifty percent of the lots have been sold and thereafter the responsibility for maintenance and assessments shall rest with that entity.
- m) When such a private road is created, topography survey or profile and cross sections are required demonstrating that the road is not discharging onto, or blocking the drainage of, adjacent properties.
- n) Ditching and/or swales may be required and shall be approved by the Somerset Soil Conservation District.
- o) These conditions will be certified as to completion within the time specified by the Public Works Agreement. Inspection may be made by the Department of Technical and Community Services or a participating TAC agency, or by an

inspector approved by County Roads at cost to the developer. This cost may be included in the Public Works Agreement.

2) Private Road Specifications/Conditions of Use

Residential Access greater than 7 lots

Less than 250 ADT – 50’ Right-of-Way

- a) Road shall serve a residential subdivision only.
- b) Road shall meet all County Roads Boards requirements and entrance shall meet all State and local requirements, including access lanes when required and a Public Works Agreement.
- c) Road shall be a controlled area within the subdivision and shall not be a shared existing road.
- d) The road will be posed with a permanent sign stating that the road is private and not maintained by the county.
- e) No utility lines shall be permitted within the right-of-way. If existing lines are in the right-of-way, a 20 foot easement outside the roadway should be provided for future relocation.
- f) Private roads more than 300 feet in length shall be provided with a cul-de-sac with a minimum forty (40) foot diameter.
- g) The subdivision plat will clearly note that the road is private and not maintained by the County.
- h) Front setbacks will be measured from the center of the road to allow for possible upgrade of the right-of-way width.
- i) A deed covenant will be required, and a note on the plat, restricting the lots created from further subdivision.
- j) Should a residue exist, further subdivision utilizing the private road will require consensus of existing lot owners or meet conditions set by the Homeowner’s Association and requires reassessment by the Planning Commission.
- k) A permanent maintenance agreement of the road and any drainageways clearly indicating responsibility and assessment of costs shall be provided and made part of deed covenant in the form of a Property Owners’ Association. The

Property Owners' Association shall be given the deed to the road when at least fifty (50%) percent of the lots have been sold and thereafter the responsibility for maintenance and assessments shall rest with that entity.

- l) When such a private road is created, survey topography or profile and cross sections are required demonstrating that the road is not discharging onto, or blocking the drainage of, adjacent properties.
 - m) A ditching and/or swale system must be designated on the plat and shall require approval by Somerset Soil Conservation District.
 - n) These conditions will be certified as to completion within the time specified by the Public Works Agreement. Inspection may be made by the Department of Technical and Community Services or a participating TAC agency, or by an inspector approved by County Roads at cost to the developer. This cost may be included in the Public Works Agreement.
- c. Private Roads must conform to standard engineering practices. Typical Cross Sections are provided by the Somerset County Roads Department (see Appendix).

E. DRAINAGE. Provisions for providing a coordinated storm drainage system shall be designed for each proposed subdivision. All storm sewerage systems shall be designed and constructed in accordance with recognized design criteria and the Somerset County Stormwater Management Ordinance. The storm drainage system shall be designed to service all land areas draining through it and shall be coordinated with proposed street drainage plans.

F. BLOCKS.

1. **GENERAL.** The lengths, widths, and shapes of blocks shall be determined with due regard to:
 - a. Provision of adequate building sites suitable to the special needs of the use contemplated.
 - b. Zoning requirements as to lot sizes, minimum open space requirements and dimensions.
 - c. Needs for convenient access, circulation, control and safety of street traffic.
 - d. Limitations and opportunities presented by the topography.

2. **LENGTH.** Residential blocks shall not exceed twelve hundred (1200) feet in length if the average lot width is one hundred (100) feet or less, unless greater length is accepted by the Commission, nor shall they be less than five hundred (500) feet in length.
3. **WIDTH.** Residential blocks shall have sufficient width to allow two (2) tiers of lots. Blocks may consist of single tier lot: where such are required due to natural physical barriers, boundary of the tract or due to separate residential development from through vehicular traffic, railroads, or from non-residential land uses.
4. **NONRESIDENTIAL BLOCKS.** Nonresidential blocks shall require a length sufficient to serve the intended use without adversely affecting traffic circulation of existing or proposed surrounding streets. The width shall be sufficient to provide adequate service areas and parking without requiring excessive points of egress and ingress to abutting streets, or requiring vehicular maneuvering on public right-of-way. Lots within such blocks shall require a common vehicular access easement dedicated to the use, maintenance and benefit of all lots within the block, or a marginal access street shall be provided to prevent points of ingress and egress from each lot to the abutting street.

G. **LOTS.** All lots shall conform to the minimum standards of the County Zoning Ordinance.

1. **LOT SIZES.** Residential lots shall meet the lot width, lot depth and lot area requirements of the Zoning Ordinance, unless unusual circumstances make these limitations not practicable. All lots shall meet the minimum requirements of the Maryland Department of the Environment. Commercial and industrial lots shall be adequate to provide service areas and off-street parking suitable to the intended use. Corner lots shall be fifteen (15) percent greater in width than the minimum interior lot requirement of the County. The ratio of the depth of any single family lot to its width at the building restriction line, should not be greater than three (3) to one (1).
2. **FRONTAGE.** All lots shall have a minimum street frontage as specified by the minimum lot width in the Zoning Ordinance. Lots fronting on a curve shall have a minimum width at the front lot line of not less than fifty (50) feet.
3. **LOT ORIENTATION.** Side lot lines shall be substantially at right angles or radial to street lines, unless not practicable because of topographic or other features.
4. **BUILDING SETBACK LINES.** The minimum setback from property lines shall be as required by the Somerset County Zoning Ordinance.
5. **DOUBLE FRONTAGE LOTS.** Double frontage lots shall be avoided except as

reverse frontage lots necessary for separation of residential development from traffic arteries and railroads, or to overcome specific disadvantages of topography and orientation. In such cases, a planting screen easement of at least ten (10) feet, across which there shall be no right of access, may be required.

6. **LARGE PARCEL SUBDIVISION**. When land is subdivided into larger parcels than ordinary building lots, such parcels shall be arranged so as to allow for the opening of streets in the future and for logical further resubdivision.

7. **LOT CALCULATIONS**. Where additional widening strips are dedicated on existing streets, calculations of the area of a lot for the purpose of meeting minimum lot size requirements of the zoning classification, shall not include the area of the easement to the County. A private easement across a lot may be included.

H. **PARKS AND OPEN SPACE**. Wherever areas for community parks and recreation open space are indicated on the proposed subdivision, said areas shall be reviewed by the Somerset County Parks and Recreation Department. Any such open space area shall be dedicated to the public by deed subject to concurrence of the Somerset County Park and Recreation Department and acceptance by the Somerset County Commissioners.

I. **COMMUNITY SANITARY SEWERS AND COMMUNITY WATER SUPPLY SYSTEMS**. Wherever a community water and/or sewerage system is planned to serve the proposed subdivision, it shall meet the design standards and criteria of the State Department of the Environment. Provisions for maintenance, administration and ownership shall be in accordance with the policies and procedures of the Somerset County Sanitary Commission.

J. **EASEMENTS**. Utility and other easements shall be provided as follows:

1. **UTILITY EASEMENT**, not less than twenty (20) feet in total width, centered on rear or side lot lines where deemed necessary by the Commission.

2. **CONTINGENCY EASEMENTS**, centered on side lot lines of every lot, at least ten (10) feet in width. Contingency easements shall be for the purpose of repair, extension or maintenance of public facilities and utilities by public agencies and may be shown on the Plat by note.

SECTION VI

IMPROVEMENT GUARANTEES

A. CONTRACTS. Before the Commission shall cause its approval to be endorsed upon the Final Plat of any subdivision (except in the case of a minor subdivision wherein the Commission imposes no condition or conditions for the approval of the Plat), and as a requisite for the approval thereof, a Public Works Agreement shall be established as follows:

1. The owner shall enter into a written Public Works Agreement with the County in the manner and form set forth by the County Attorney where the owner shall agree and guarantee:
 - a. To construct or cause to be constructed, at his own expense, all streets, permanent reference points, drainage, facilities, street signs and other improvements shown on said Final Plat and Public Improvement Plans when required to do so by the Commission in accordance with the Final Plat as finally approved and in strict accordance with the standards and specifications of the County.
 - b. To maintain at owner's own cost the said streets, permanent reference points, drainage facilities, street signs and improvements as required by the Commission, until the same are accepted by the County.
 - c. To obtain the easements and release required where any street, drainage facility or other improvement wherein a subdivision 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 releases from all damages which may be caused with change in grade, construction or otherwise, of the street, drainage facility or other improvement and such releases shall inure to the benefit not only of the owner of the subdivision but to the County as well.
 - d. In the case of a single lot minor subdivision, requiring only a sewer/water line extension or benchmark, an approved estimate of costs and surety in the amount of 110%, payable to the County Commissioners, may substitute for a Public Works Plan and Agreement.
2. Upon written notification that the Final Plat has been approved subject to meeting one (1) of the three (3) requirements below, and prior to the Chairman of the Planning Commission signing of such plat, the subdivider shall furnish to the County Commissioners or their authorized representative one (1) of the following guarantees of construction of all required public improvements:

- a. Completion and acceptance by the County of all public improvements in the area covered by the Final Plat.
- b. Acceptance by the County Commissioners of a bond with surety to secure to the County the actual construction and installation of improvements or utilities at a time and in accordance, specifications fixed by or in accordance with the regulations of the County.
- c. Funds placed in escrow with an escrow agent in an interest bearing account satisfactory to the County Commissioners with an agreement between the escrow agent and the County that the funds would be released from escrow in part, time to time, as requested by the developer and approved by the County to pay invoices for work completed in the installation of the public works improvements in the area covered by the Final Plat.
- d. A letter of Certification from the Roads Director stating that any required road easement has been received and is acceptable to the County.
- e. No public works agreement shall be accepted by the Board of County Commissioners for additional sections of a subdivision if road and storm drains in previous sections are not substantially complete and the time limit for completion has expired.

B. GUARANTEE. In order to assure the County that the streets, drainage facilities, street signs, permanent reference points, and other improvements shown on said Final Plats, which the Commission shall require the owner to install at his own expense, will be constructed and installed in strict accordance with the plats as finally approved, the County shall withhold acceptance for community use until the aforementioned improvements meet the standards and specifications set forth by the County.

C. ACCEPTANCE OF IMPROVEMENTS BY THE COUNTY.

1. **Final Inspection.**

- a. The applicant shall notify the Department of Technical and Community Services of the completion of the required improvements.
- b. The County Roads Director and other appropriate agencies shall make a final inspection with the applicant of all required improvements.

2. **Acceptance.**

Following a favorable final inspection, the County Commissioners shall notify the applicant of acceptance of the required improvements if satisfied that the applicant has complied with all specifications and ordinances of the County. The owner shall then enter into a deed of transfer of the right-of-way and public improvements to the County in a manner and form as set forth by the County Attorney.

SECTION VII

LEGAL PROVISIONS

- A. CONFLICT WITH OTHER REGULATIONS.** Whenever any provision of this ordinance and any other provisions of law, whether set forth in these Regulations or in any other law of regulation, impose, overlap or contradict existing regulations, or contain any restrictions covering any of the same subject matters, that provision which is more restrictive or impose higher standards or requirements shall govern.
- B. SUBDIVISION NAME.** The subdivision name approved by the County and so recorded, shall constitute the subdivision's official and only name. No other name may be used for advertising or sales purposes unless an approved and amended plat is recorded bearing the revised name.
- C. FAILURE TO ACT.** Failure of the County to act on a subdivision within the prescribed time established in these Regulations shall result in a presumption of approval; except, if substantial defects are subsequently found, the presumption shall have no effect and the developer shall correct all defects to the satisfaction of the County.
- D. RIGHT OF APPEAL.** Any person aggrieved by any decision of the Planning Commission concerning a plat or subdivision may present to the Circuit Court a petition, duly verified, setting forth that such a decision is illegal in whole or in part, specifying the grounds of the illegality. Such a petition must be made within thirty (30) days of the decision rendered by the Planning Commission.
- E. VIOLATIONS.**
1. Violations of the provision of these regulations or failure to comply with any of these requirements shall constitute a civil offense. Any person who violates these regulations or fails to comply with any of its requirements, in addition to the penalties cited in Section II(D) shall pay all costs and expenses involved in the case. Any person who shall violate these regulations shall be deemed guilty of a separate offense for every day that the violations shall continue. If any person, partnership or corporation fails to secure the necessary public improvements required before filing the Final Plat and conveys, rents or leases a lot, said person, partnership or corporation shall be guilty of a civil offense and be subject to the above penalties. Each parcel, plat or lot so disposed of, shall be deemed a separate violation of this Ordinance.
 2. Nothing herein contained shall prevent the County from taking such other lawful action as is necessary to prevent or remedy any violation.

F. SEPARABILITY OF PROVISIONS. In the event it be judicially determined that any word, phrase, clause, sentence, paragraph, section or part in or of these regulations, or the application thereof to any person or circumstances is invalid, the remaining provisions and the applications of such provisions to other persons or circumstances shall not be affected thereby, it being hereby declared that the remaining provisions of these Regulations without the word phrase, clause, sentence, paragraph, section or part in or of these Regulations, or the application thereof, so held invalid would have been adopted and approved.

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

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

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

H. FEES. Fees to cover the considering, examining and checking the several plats and plans required herein and for recording the Final Plat shall be collected in accordance with a fee schedule of charges adopted by resolution of the Somerset County Commissioners.

APPENDIX
CHECKLIST OF REQUIRED EXHIBITS FOR SUBMISSIONS

PREAPPLICATION SKETCH PLAN (Optional).

1. VICINITY MAP.

- Relationship of subdivision to existing and proposed streets and other community facilities; and Total ownership of the subdivider in vicinity of proposed subdivision.

2. GENERAL SUBDIVISION INFORMATION.

- Proposed subdivision name;
- Name and address of owner;
- Name and address of engineer or surveyor or land planner responsible;
- Tract boundaries except residual area of at least 20 acres where no change in land use is proposed;
- North point and date;
- Streets on and adjacent to tract;
- Significant topographical and physical features (including soils information and tree clusters);
- Proposed general street layout;
- Any required easement for road widening purposes;
- Proposed general lot layout; and
- Simplified sketch of proposed method of storm drainage.
- If the proposed subdivision is located in the Somerset County Critical Area, the following additional information should also be shown:
 - Tidal and nontidal wetlands;
 - Streams;
 - Areas of steep slopes, highly erodible and other soils with development constraints; Shore and stream Buffer (100 feet minimum);
 - Natural resource protection areas, including wildlife habitats and Habitat Protection Areas, and forests and developed woodlands on or in the vicinity of the proposed subdivision;
 - The Critical Area Boundary and the applicable land management classification(s), i.e., Intensely Developed Area (IDA), Limited Development Area (LDA), or Resource Conservation Area (RCA);
 - Computation of the amount of acres in the Critical Area District; and
 - The location and extent of existing and/or proposed shore erosion abatement approaches.

PRELIMINARY PLAT (Mandatory for all Subdivisions except for Minor Subdivisions).

1. DRAFTING STANDARDS FOR PRELIMINARY PLAT.

- Scale no smaller than 1" = 100' unless waived by the Administrator for practical difficulty;
- All dimensions in feet;
- Each sheet numbered and shall show its relationship to total number of sheets;
- Dotted lines to show revisions to previously approved plats or features or locations to be abandoned; and
- Boundary line of tract in solid heavy line.

2. VICINITY MAP.

- Scale sufficient to clearly identify the location of the property;
- Relationship of subdivision to surrounding area; and
- Adjacent streets, subdivisions and major boundaries.

3. PRELIMINARY PLAT.

- On sheets sized no less than 18" x 24" and no larger than 24" x 36";
- Prepared by a licensed engineer or surveyor;
- Tax Map, Block, and Parcel Number;
- Name of subdivision, Election District, Somerset County, Maryland, Planning and Zoning Commission Plat number, as assigned by Director;
- Name and address of the owner and/or developer;
- Name and address of the engineer or surveyor responsible for plat;
- Present zoning classification;
- Current designation of the Comprehensive, Water and Sewerage Plan;
- Date, north point, scale, number of sheets;
- Acreage in subdivision and acreage remaining in tract (if any); acreage in public or other land usage; average square footage per lot; square footage of the smallest lot; total number of lots;
- Boundaries of tract except residual areas of at least 20 acres where no change in land use is proposed;
- Location, names and widths of existing streets; location of existing streets; location of existing property lines and names of owners, location of existing watercourses, sanitary sewers, storm drains, and similar features within 400 feet of any part of land to be subdivided; any known wells within 200 feet;
- Location, size and ownership of all underground utilities and any right-of-way;
- Location of existing buildings, outline of wooded areas, marshy areas, flood prone areas;
- Proposed layout of street including suggested street names, their right-of-way widths, the dimensions of any required easements for road widening purposes; indication of type of street proposed, indication of location and sizes of sidewalks

- (if any) and proposed method for drainage, private road clearly labeled;
- The design of all subdivision lots, proposed layout and approximate dimensions of lots, lot and block numbers;
- Location of proposed parks, school sites, or other public or private open space;
- Location and width of proposed storm drainage easements and right-of-ways;
- Location and sizes of proposed utilities, and all right-of-ways and/or easements proposed;
- Proposed front, side and rear setbacks, including corner lot conditions;
- Designation on each lot of its proposed land use;
- If apartment project, number and type of apartments in each building and the off-street parking per apartment unit; and
- If preliminary plat is only part of owner's larger holding, sketch prospective street layout for the remainder of the owner's land.
- For proposed subdivisions located in the Critical Area, the following additional information will be shown on the Preliminary Plat as applicable;
- Computation of the total area within the Critical Area District, area within each of the land management classifications (i.e., IDA, LDA, RCA), number of lots in the Critical Area;
- Slopes 15 percent or greater;
- Location and areal extent of all soils with: (1) septic limitations; (2) wet soils; (3) hydric soils; and (4) soils with hydric properties as shown on the Somerset County Soil Survey;
- Location of all existing or proposed site improvements (including storm drains, culverts, retaining walls, fences, storm water management facilities as well as any sediment and erosion control structures);
- Location of required open space areas, the Buffer and other buffer areas, forested areas and landscaping (the plan shall show all areas to be maintained as landscaping to be provided and the means by which such landscaping will be permanently maintained shall be specified);
- Location of all Habitat Protection Areas on the site;
- Location of tidal and nontidal wetlands on and adjacent to the site and delineation of the watershed thereof;
- Location of eroding shoreline reaches, the rates of erosion, areas where shore erosion measures are in place, areas to be protected by installation of proposed erosion abatement approaches;
- Location of anadromous fish spawning stream(s) on or adjacent to the site and a delineation of the watershed area of the stream on the site;
- Areas to be retained in agriculture and/or forestry use;
- Areas proposed for reforestation and afforestation;
- Total area of the site that will be temporarily disturbed during development and area

that will be permanently disturbed (disturbed is defined as any activity occurring on an area which may result in the loss of or damage to existing natural vegetation);

- Proposed natural park areas, as appropriate;
- The location of the Critical Area District Boundary, the mean high waterline and the landward edge of tidal wetlands; and
- Proposed covenant on required open space areas;

4. **TOPOGRAPHIC MAP.** (may combine information with Preliminary Plat above)

- Scale no smaller than 1" = 100', unless waived by the Administrator for practical difficulty;
- Prepared by a licensed engineer or surveyor;
- Two (2) foot contours normally, five (5) foot contours if site sufficiently steep; and
- Subdivision exempt from requirement if flat.

5. **PROPOSED DEED COVENANTS.** (if any)

- Proposed deed covenants (if any) and copy of deed restrictions or proposed homeowners regulations.

6. **ADDITIONAL INFORMATION REQUIRED.**

In addition to the information above, the Preliminary Site Plan shall be accompanied by the following when the subdivision or development is proposed in the Critical Area, as required:

- A planting plan for reforested and afforested areas and a Forest Management Plan with the comments of the Bay Forester;
- A Habitat Protection Plan including the comments of the Maryland Forest, Park and Wildlife Service;
- An executed Cooperators Agreement with the Somerset County Soil Conservation District or farm plan, as applicable;
- A preliminary Stormwater Management Plan;
- A preliminary Sediment and Erosion Control Plan;
- A Shore Erosion Protection Plan - complete specification for proposed shore erosion work;
- A Natural Park Management Plan, as appropriate; and
 - A. An Environmental Assessment Report which provides a coherent statement of how the proposed development addresses the goals and objectives of the Somerset County Chesapeake Bay Critical Area Program. At a minimum, the Environmental Assessment shall include:
 - (a) A statement of existing conditions, e.g., amount and types of forest cover, amount and type of wetlands, discussion of existing agriculture activities on the site, soil types, topography, etc.;

- (b) Discussion of proposed development project, including number and type of residential units, amount of impervious surface, proposed sewer treatment and water supply, acreage devoted to development, proposed open space and habitat protection areas;
 - (c) A discussion of the proposed development's impacts on water quality; and
 - (d) Documentation of all correspondence and findings.
- B. Outside of the Critical Area, an environmental assessment is required for all major subdivisions. The assessment shall include the following:
- (a) A statement of existing resources and conditions, including any sensitive areas. If a Forest Stand Delineation has been prepared under the Forest Conservation Requirements, it will serve to meet this requirement.
 - (b) A discussion of the proposed subject, including density and impervious surface.
 - (c) An assessment of any impacts on water quality and supply and on existing natural resources; any mitigation planned for the site. In the case of major subdivisions, the TAC may require a hydrological study be performed to meet this requirement.

FINAL PLAT (Mandatory for all subdivisions including minor subdivisions).

1. DRAFTING STANDARDS FOR FINAL PLAT.

- Scale no smaller than 1" = 100', unless waived by the Administrator for practical difficulty;
- Reproducible mylar;
- All dimensions in feet and decimal parts thereof to the nearest hundreds;
- Bearings in degrees, minutes and seconds to the nearest 30 seconds;
- Each sheet numbered and shall show its relationship to total number of sheets;
- Boundary line of tract in solid heavy line; and
- Lettering at a size that could be legible if plat should be reduced to half size.

2. VICINITY MAP.

- Scale sufficient to clearly identify the location of the property;
- Relationship of subdivision to surrounding area; and
- Adjacent streets, subdivisions and major boundaries.

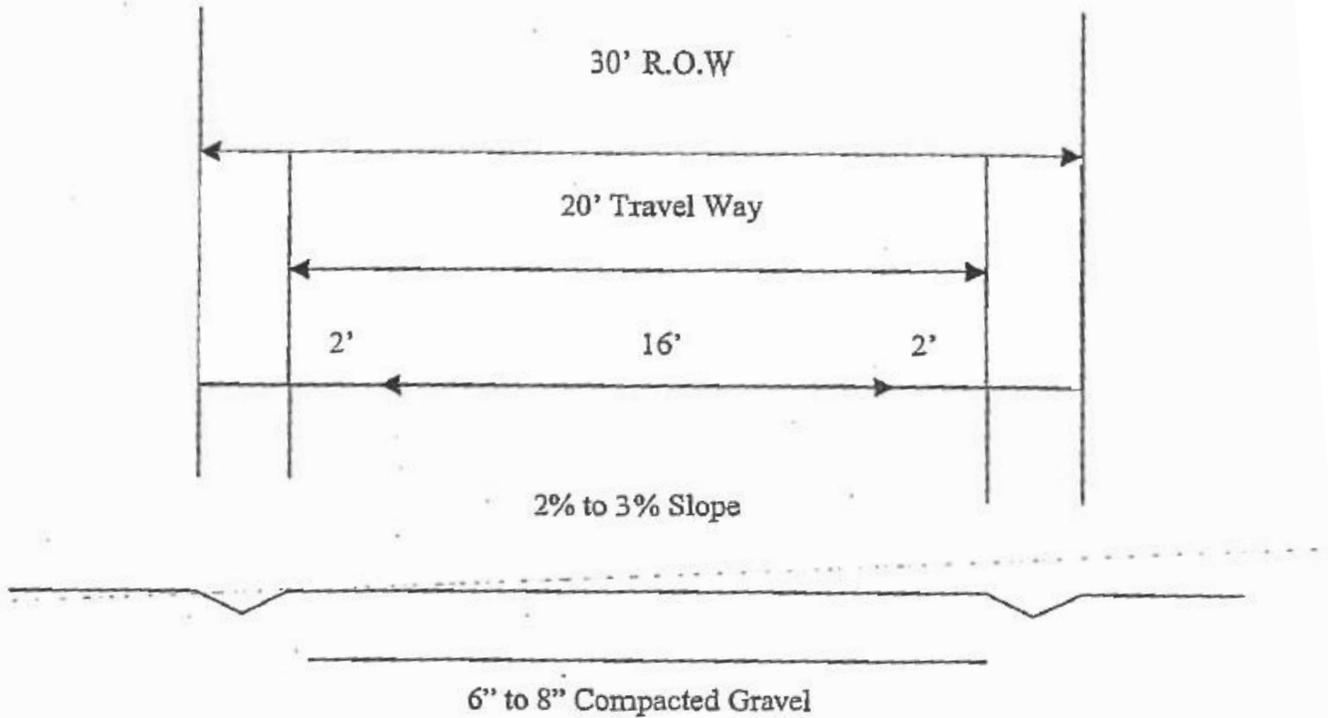
3. FINAL PLAT.

- On sheets no less than 18" x 24" and no more than 24" x 36";
- Prepared by a licensed engineer or surveyor;
- Name of subdivision, Election District, Somerset County, Maryland, Planning and Zoning Commission Plat number, as assigned by the Director;
- Tax Map, Block and Parcel Number;
- Name, address and signature of owner or power of attorney;

- Name, address and signature of the engineer or surveyor responsible for the plat;
- Date, north point, scale, number of sheets;
- State Department of Health Certification;
- Acreage in subdivision and acreage remaining in tract (if any); acreage in public or other land usage;
- Boundary of tract shown with bearings, distances and closures; all courses, distances, areas and tie-ins to adjacent street intersections shall be shown;
- Sufficient data to determine readily the location, names and widths of existing streets; the location of existing property lines and names of owners; the location of existing water courses, sanitary sewer, where they constitute property boundaries;
- Locations, sizes and ownership of any right-of-way and/or easements within property;
- Proposed layout of street including suggested street names, their right-of-way widths, the dimensions of any required easement for road widening purposes; indication of type of street proposed, indication of location and sizes of sidewalks (if any) and proposed method for drainage; private road clearly labeled;
- The design of all subdivision lots, proposed lot layout, including dimensions, their square footage area and number of lots and block numbers;
- Sufficient data to determine readily the location, bearing, and length of every street, lot and boundary line;
- Radius, central angle, point of tangent, tangent distances, and area chord bearings and chords of all curved streets and curved property lines;
- Location, width and purpose of all easements or right-of-ways and boundaries by bearings and dimensions;
- Accurate location and description of all existing and new permanent reference points and monuments;
- Proposed front, side and rear setbacks for all lots, including corner lot conditions;
- Location of existing buildings within the subdivision;
- If apartments: project, number and type of apartments in each building and the off-street parking per apartment unit;
- Public Improvement Plans to include at least one (1) permanent elevation reference/monument for each six (6) lots shall be placed in a dedicated right-of-way in all major subdivisions and at least one (1) such monument shall be required in all minor subdivisions within the floodplain. The location of these elevation references shall be shown on the Final Plat.;
- Tabulation on Final Plat (above approval block) showing the following for subdivisions wholly or partially located in the Critical Area:
 - Total number of lots and/or parcels to be recorded;
 - Total area of lots and/or parcels, including widening strips;
 - Total area of roadways to be recorded;

- Total area of subdivision to be recorded and where density restrictions apply, the acreage dedicated to the development;
 - Total area of subdivision or parcels to be recorded in the Critical Area District;
 - Total number of lots in the Critical Area District; and
 - Residential density in the Critical Area District.
 - For subdivisions in the Critical Area, accurate outlines (metes and bounds, where required) of any required open space areas, common or reserved areas or portions of lots to be maintained by covenant, easement or similar approved instrument in permanent forest cover including existing forested areas, reforested areas and afforested areas.
 - For subdivisions in the Critical Area, accurate outlines (metes and bounds, where required) of any areas to be maintained as resource protection use (e.g., agriculture, natural parks, forest, etc.);
 - For subdivisions in the Critical Area, accurate outlines (metes and bounds, where required) of any areas to be maintained as permanent wildlife and plant habitat protection area or areas.
4. **PROPOSED DEED COVENANTS (if any).**
- Proposed deed covenants (if any) and copy of any deed restrictions or proposed homeowners regulations.
5. **SEALS.**
- Licensed engineer or surveyor responsible for the plat; and corporation seal, if applicant is a corporation.
6. **ACKNOWLEDGMENTS.**
- Statement of the effect that the applicant is the owner of the subdivision shown on the Final Plat, is made with his or their consent, and that it is desired to record the same; and that all requirements of Maryland Law have been met.
7. **SIGNATURES.**
- Owner or owners of land. If corporation, signatures of authorized officers;
 - Signature of licensed engineer or surveyor; and
 - Signature of the approving authority.
8. A Public Improvement Plan must be submitted and all Public Works Agreement requirements to cover infrastructure must be met prior to filing of the subdivision.

Private Road Specification
Residential Access 7 Lots or Less
Less than 250 ADT – 30' Right of Way

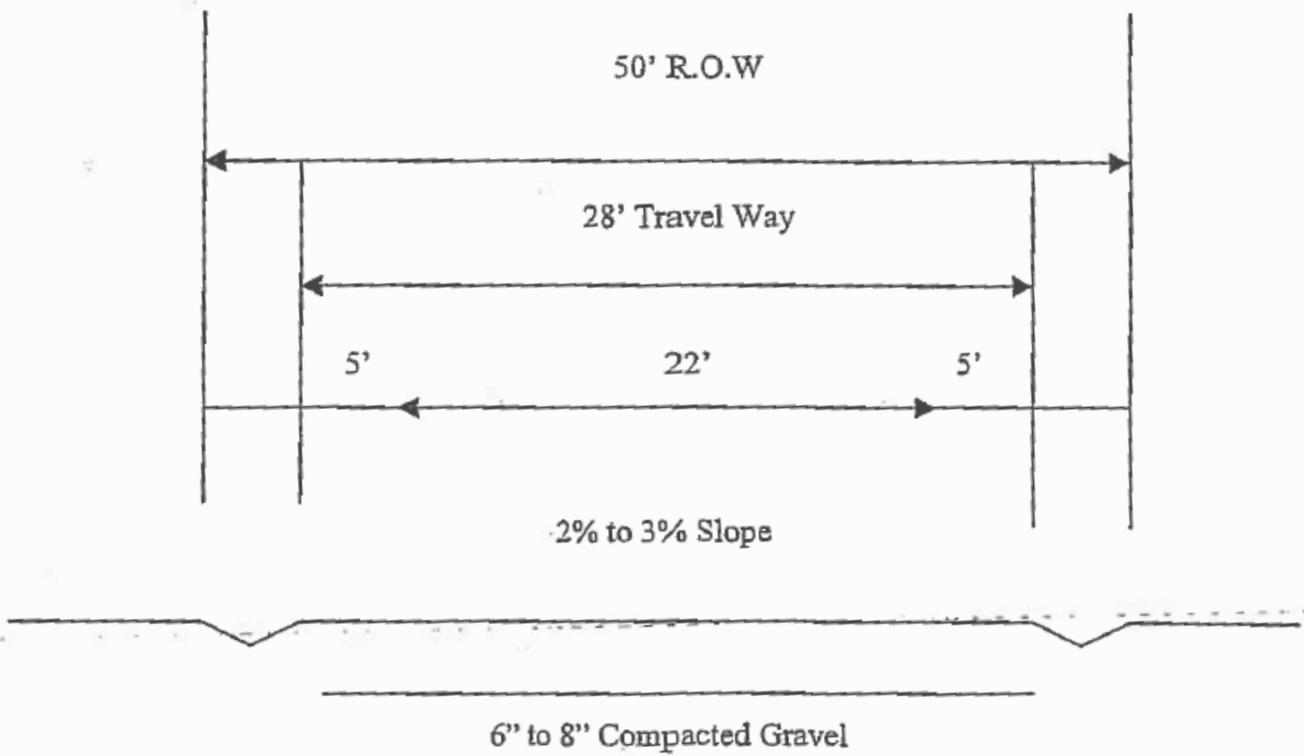


Notes:

Wooded Areas Ditch Slope 2:1.

Non-Wooded Areas Ditch Slope 4:1.

Private Road Specification
Residential Access Greater Than 7 Lots
Less than 250 ADT – 50' Right of Way



Notes:

Wooded Areas Ditch Slope 2:1.

Non-Wooded Areas Ditch Slope 4:1.

