

**ARTICLE 7**  
**SUBDIVISION REGULATIONS**

SEE CUSTOMER ASSISTANCE GUIDE ENTITLED, "HOW TO SUBDIVIDE PROPERTY", AVAILABLE FROM THE DEPARTMENT OF PLANNING & ZONING, FOR ADDITIONAL INFORMATION.

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**7-1 SUBDIVISION REGULATIONS**

Under the authority of Article 66B of the Annotated Code of Maryland, the following regulations governing the subdivision of land are hereby established for all areas of Calvert County except those within Incorporated Towns of the County.

**7-1.01 Purpose**

The purpose of these Regulations is to regulate and control the development of land within Calvert County, in order to promote the public health, safety and general welfare, and to assure sites suitable for building purposes and human habitation in a harmonious environment.

**7-1.02 Effective Date**

These Regulations shall take effect immediately upon adoption by the Calvert County Commissioners.

**7-1.03 Controls and Application**

A. Application. These Regulations shall apply to all new subdivisions and to extensions and revisions of recorded subdivisions, except for:

1. The division of land for purposes other than building development.

#### 7-1.04 Transfer of Lots and Issuance of Building Permits

2. That portion of a divided tract which is not to be used for the purpose of building development.
3. Subdivision of land by court order.

#### B. Recording of Plats.

1. Minor Subdivision. The Secretary to the Planning Commission is responsible for submitting the approved Final Plat to the Clerk of the Circuit Court for recording in the Plat Records of the Clerk of the Circuit Court, or a copy of the Final Plat accompanied by a Recording of Plat Sheet may be recorded in the Land Records of the Clerk of the Circuit Court. Copies of the Final Plat shall be provided to the Department of Planning & Zoning by the developer for distribution to County and appropriate public agencies.
2. Major Subdivisions. The Secretary to the Planning Commission is responsible for submitting the approved Final Plat to the Clerk of The Circuit Court for recording in the Plat Records of the Clerk of the Circuit Court. Copies of the Final Plat shall be provided to the Department of Planning & Zoning by the developer for distribution to County and appropriate public agencies.

#### 7-1.04 Transfer of Lots and Issuance of Building Permits

- A. No lot or parcel in a subdivision subject to these regulations shall be transferred until:
  1. a Public Works Agreement for the road improvements has been executed and
  2. plat recording has been completed as per Section 7-1.03.B, and
  3. the platted roads, sidewalks, and amenities (as required by final plat or preliminary approval letter) have been completed, or the base road construction has been completed and appropriate bond or acceptable guarantee has been provided and accepted by the County Commissioners for completion of roads, sidewalks, and amenities in the subdivision or that section of the subdivision in which the lot or parcel is located. The amount of the bond or guarantee shall be 125 percent of the estimated cost of completing construction, for the purpose of guaranteeing to the County that the developer will complete the construction within such time as may be proposed by the developer and approved by the County Commissioners. For County road specifications, see Calvert County Road Ordinance (Chapter 104 of the Code of Calvert County).
- B. No building permits shall be issued for a structure improvement until a Public Works Agreement for the road has been executed and plat recording has been completed as per Section 7-1.03.B. In addition, no permit shall be issued until the base road has been completed and inspected by the County Engineer or, in lieu of this, an appropriate bond has been submitted to the County Engineer as per the Calvert County Road Ordinance (Chapter 104 of the Code of Calvert County).

7-1.05 Adequate Public Facilities Requirements

(05/12/09)

A. General

Before the Planning Commission can grant final approval of a residential subdivision or residential development of land (which includes subdivisions and site plans for townhouse, single-family attached, multi-family, and mixed residential developments) subject to these regulations either in its entirety or by section, it must find that all identified roads and schools are adequate or that roads are programmed to be adequate within one year. Otherwise, approval shall be denied. In cases where facilities are not adequate, a residential subdivision or residential development shall receive final approval if the applicant provides improvements to render both the roads and schools adequate. The adequacy of schools shall be evaluated based on the rated capacity of the public schools.

(05/12/09)

B. Limitation on Applicability

1. If final approval of a residential subdivision or residential development is being delayed only because of inadequate facilities, the following limitation on applicability shall apply:
  - a. Any residential subdivision or residential development which has not been entitled to final approval for at least seven years from the date of preliminary approval, due solely to the lack of adequate school capacity, shall be entitled to final approval, regardless of the adequacy of school capacity, provided that all other conditions of final approval are satisfied.
2. Notwithstanding the above, the Planning Commission may grant final approval of one or more amended plats of a residential subdivision or residential development or a portion thereof without finding that all identified roads and schools are adequate, provided that it finds that the pupil yield that would result from the residential subdivision or residential development as amended is no greater than that of the residential subdivision or residential development without any amendment and that the amendment would not result in any adverse impact on the public health, safety and general welfare of the present and future inhabitants of the development.
3. The Planning Commission shall develop and publish policies and procedures as necessary for obtaining final approval for residential subdivisions or residential developments which have been on hold pending adequacy of public facilities. See also Section 7-1.07.B.8.

C. Roads

1. The proposed residential subdivision or residential development must be served by access roads adequate to safely accommodate the vehicular traffic projected to be generated by the residential subdivision or residential development. At the applicant's expense, a traffic study conducted by a Registered Professional Engineer approved by the Department of Public Works may be required. The study shall be in accordance with written procedures and criteria established by the Department of Public Works and approved by the Board of County Commissioners.

2. The traffic impact study will be required to determine if the roadways and intersections are adequate to accommodate the proposed residential subdivision or residential development. To be determined "adequate" by the Planning Commission, the County road(s) must maintain a level "C" service rating, after full development of this and all other existing and proposed residential developments and subdivisions within the study area. The County intersections must maintain a level "C" service rating except for Town Centers where a level "D" service rating will be acceptable. State roads and intersections must maintain a minimum level "D" service rating, after full development of this and all other existing and proposed subdivisions and residential development within the study area. Detailed guidelines for the traffic study have been developed by the Department of Public Works. The Department of Public Works shall determine whether or not the traffic study has been completed according to the approved criteria. The traffic study may be waived under extenuating circumstances by the County Engineer or his designee.
3. The Department of Public Works shall provide recommendations to the Planning Commission as to whether all the roads are "adequate".

D. Schools

1. Adequacy

Schools are adequate when all public elementary and secondary schools which will serve the proposed residential subdivision or residential development will accommodate the pupil yield from that residential subdivision or residential development without exceeding 100 percent of the rated capacity of any of those schools.

2. If the enrollment exceeds 100 percent of rated capacity, the schools may still be deemed adequate if an adopted redistricting results in the enrollment projected by the Department of Planning & Zoning for the next school year not exceeding 100 percent of rated capacity in any of the schools serving the residential subdivision or residential development. The Department of Planning & Zoning is authorized to create criteria for enrollment projections.

3. Pupil Yields

TABLE 7-1 PUPIL YIELDS			
<u>Housing Type</u>	Grade K-5	Grade 6-8	Grade 9-12
Single-family detached	.291	.130	.176
Single-family attached	.194	.084	.118
Low-rise apartments	.097	.043	.059
Manufactured Homes	.145	.065	.088

4. Rated Capacity of Schools
  - a. Elementary Schools:
    - i. The rated capacity shall be the sum of the following:
      - (1) Pre-kindergarten equals number of classrooms multiplied by 20;
      - (2) Kindergarten equals number of classrooms multiplied by 22;
      - (3) Grades one through five equals number of classrooms multiplied by 23; and
      - (4) Special education (self-contained) equals number of classrooms multiplied by 10.
    - ii. The number of classrooms does not include such areas as libraries, media centers, cafeterias, physical education rooms, art rooms, music rooms, assembly rooms, science rooms, special reading rooms, and career education rooms, relocatable classrooms or rooms for other unique programs.
    - iii. Self-contained special education classrooms are rooms that are used by students receiving special education services outside the general education setting for more than 60 percent of the day.
  - b. Middle Schools and High Schools:
    - i. The rated capacity shall be determined by multiplying the number of teaching stations by 25, then multiplying the product by 85 percent, and then adding to that the product of the number of teaching stations for special education multiplied by 10. However, added to the high school rated capacities will be the lower number of students attending the morning or afternoon sessions of the Career Center for each respective high school at the beginning of the grading period.
    - ii. Teaching stations are to be defined as interchangeable classrooms, special purpose rooms, laboratories, vocational/industrial arts shops (excluding vocational resource classrooms), art rooms, mechanical drawing rooms, music rooms, and home economics rooms. A gymnasium shall be considered to be one teaching station except that a gymnasium with a standard inter-scholastic basketball court shall be counted as two teaching stations. This definition does not include relocatable classrooms.
5. The Department of Planning and Zoning shall publish a report annually listing 100 percent of the current rated capacity of each school in the County.
6. Exception: The determination of adequacy of schools is not required for subdivisions which are non-residential in nature or subdivisions or residential developments which are designated as Age-Restricted Housing Communities, provided that such communities comply with the requirements of Section 5-5.

## 7-1.06 Requirements for a Subdivision

### E. Notification of Inadequate Capacity

If facilities are identified as having inadequate capacity, the Department of Planning and Zoning shall notify the Planning Commission and the County Commissioners.

### F. Exemptions

1. Parcels eligible for more than five lots:
  - a. The first three lots to be created for residential purposes from any parcel on record as of the date of this amendment (February 23, 1988) shall be exempt from the Adequate Public Facilities Requirements. If the parcel already contains a residence, or if a building permit for a residence on the property has been issued, that residence may remain on the residue, and three additional lots may be created.
  - b. If the parcel contains an historic residence that is designated an Historic District during the subdivision process, then the lot on which the Historic District is designated may be recorded, regardless of whether the Adequate Public Facilities requirements are met.
2. Subdivisions containing five or fewer lots shall be exempt from the Adequate Public Facilities Requirements if:
  - a. the subject parcel was a parcel of record as of February 23, 1988 and it is determined that the maximum number of lots to which a parcel is entitled is five or fewer (including any existing residences), or
  - b. an owner voluntarily restricts the maximum number of lots to no more than five (including any existing residences).

## 7-1.06 Requirements for a Subdivision

### A. General

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

### B. Standards

1. In laying out a subdivision, the requirements of the County Zoning Ordinance, the Maryland State Department of Health, the County Water and Sewerage Plan, and other applicable regulations shall be met.
2. Where there is a discrepancy between minimum standards or dimensions noted herein and other official regulations, the highest standard shall apply.
3. Where trees, groves, waterways, scenic points, or other officially designated County assets and landmarks are located within a proposed subdivision, all practical means shall be taken to preserve these features. Existing farm structures and historic structures shall be preserved on site as required by Section 5-2.01.D.4.

- C. Subdivision Control of Unsuitable Land (Natural Resources Protection Areas as described in Section 8-2)
1. The Planning Commission may find land unsuitable for subdivision or development due to features which will reasonably be harmful to the safety, health and general welfare of the present and future inhabitants of the subdivision and/or its surrounding areas. Those features may include (but are not limited to) those areas described as Natural Resources Protection Areas in Section 8-2.
  2. Development of designated Floodplain Districts shall be restricted to the uses specified in Section 8-2.03 and in accordance with erosion and sediment control plans approved by the Calvert Soil Conservation District. In addition, a minimum 10-foot setback shall be established adjacent to 100-year Floodplain areas.
  3. Each lot shall contain sufficient contiguous land not in the Protection Areas for erection of a building or dwelling within the required setbacks of the Zoning Ordinance.
  4. Minimum sufficient contiguous suitable land area, exclusive of steep slopes (greater than 25 percent), buffers, forest retention areas, septic recovery areas, and required setbacks, shall comprise not less than 5,000 square feet for lots having individual septic systems and 3,000 square feet for lots served by a public or community septic system.
  5. All Protection Areas and all lots which have marginal amounts of suitable land for building purposes, as described in paragraph '4' of this Section, shall be so noted on the recorded final plat. The Planning Commission or its designee may require a plot plan for review and approval prior to approval of the final plan. The plot plan shall show the location of the house footprint, driveway, well and septic, all required setbacks and buffer areas, required grading easements, as well as any other existing or proposed constraints to site development. See Section 4-4.02 for requirements for plot plans.
- D. Roads, General
1. The arrangement, character, extent and location of all roads shall conform to the provisions of the Transportation Element of the County Comprehensive Plan, and shall be considered in their relation to the existing and planned roads, to topographical conditions, to public convenience and safety, and in their appropriate location to the proposed uses of the land to be served by such roads.
  2. Proposed roads intersecting a State Road shall be approved for location and grade by the State Highway Administration.
  3. Where a proposed road is not in the County Transportation Plan, it shall be contiguous and in alignment with existing, planned or platted roads with which it is to connect.
  4. If a portion of a tract or an adjacent tract is not subdivided, the Planning Commission may require that land be reserved and platted for a future right-of-way for eventual extension of the roads. The width of the right-of-way shall be the width required for the maximum permissible development of the adjacent property pursuant to the development standards of this Ordinance. Such reservation and platting of future rights-of-way may be required in the following instances:
    - a. either property is zoned Town Center (TC) or Residential District (RD); or

(10/13/10)

- b. either property has access to an arterial road; or
    - c. such access is called for by the Calvert County Transportation Plan.
5. Where ends of roads abut unsubdivided acreage, temporary easements for turn-arounds shall be provided at the boundary lines.
6. Right-of-way widths for proposed subdivision roads shall be a minimum of 50 feet. This width may be reduced from 50 feet to 30 feet in the following:
  - a. The Farm and Forest District and Rural Community District if 10 or fewer lots will be fronting on the proposed subdivision road.
  - b. The Residential District and within clustered and Transfer Zone subdivisions of five or fewer lots of single-family detached homes with lots of 40,000 square feet and greater fronting on the proposed subdivision road.
7. The Planning Commission or its designee may require the incorporation of traffic-calming devices into proposed or existing roads within the subdivision as a means to reduce speed and increase safety. The traffic-calming devices shall be shown on road plans and submitted to the Department of Public Works for review and approval prior to approval of the final plats.
8. When a new road right-of-way that will access a new subdivision is proposed to be created within an existing subdivision that was recorded after June 29, 1967 and such right-of-way was not previously reserved, platted, or recorded within the existing subdivision, then the following criteria shall be met prior to approval by the Planning Commission:
  - a. Notice of the pending application and hearings shall be published in a County newspaper of general circulation once each week for two successive weeks, the first such publication appearing at least 30 days prior to the hearing; and at least 30 days prior to said public hearing notice shall be posted at all entrances to the existing subdivision. Additional notice shall be given by U.S. Mail, First Class Postage Prepaid, to all property owners who access their property by using the existing rights-of-way that will connect the entrance of the existing subdivision with the proposed new right-of-way.
  - b. The Planning Commission shall find and the applicant shall demonstrate that:
    - i. the new right-of-way is in compliance with the Comprehensive Plan; and
    - ii. the new right-of-way will not be detrimental to the use and enjoyment of property owners in the existing subdivision; and
    - iii. the new right-of-way will not be detrimental to the health, safety or general welfare of the residents thereof.
  - c. The provisions of this Section shall not apply to new rights-of-way proposed and/or built by Calvert County or the Maryland State Highway Administration.
9. Road Standards - Roads shall be designed and constructed in accordance with the Calvert County Specifications and Design Standards for Roads and Streets.

10. The construction and grading plans for improvements required for site development shall be approved by the Department of Public Works prior to recording of the final plats for the subdivision.
11. Prior to approving a road right-of-way in a Town Center, the Planning Commission shall hold a public hearing and notify adjacent property owners. The public hearing notice and notice to adjacent property owners shall contain a description of the location of the proposed right-of-way and the date, time and place of the public hearing, and shall comply with the requirements of Article 66B, Section 4.05(c), as amended from time to time.

E. Road Intersections

1. Multiple intersections including the junction of more than two roads shall be avoided.
2. Roads shall be designed to intersect as nearly as possible at right angles. No road shall intersect a road at an angle of less than 60 degrees.
3. The number of intersecting roads along primary state highways and County Collector and Arterial Roads shall be held to a minimum. Whenever practical, intersections along such travel ways shall be at least 750 feet apart and lots shall be designed to front on an interior subdivision road or service road.
4. No road shall be approved which is so designed as to preclude adequate sight distance at road intersections.
5. Entrance features and signage shall not be located so as to adversely impact required sight distance.

F. Road Names, Signs and House Numbers

1. Road names shall be approved by the Planning Commission, by submission on the Preliminary Plan, to insure no confusing duplication within the County, in accordance with Article 10, Ordinance for the Naming and Renaming of Roads and the Assignment of Address Numbers.
2. Road signs shall be provided and erected in accordance with the Calvert County Specifications and Design Standards for Roads and Streets.
3. House numbers shall be assigned in accordance with Article 10, Ordinance for the Naming and Renaming of Roads and the Assignment of Premise Addresses.

G. Road Maintenance

1. For public roads, provisions shall be made, by guarantee acceptable to the County Commissioners or by recorded agreement between the developer and the lot owners of the subdivision until maintenance responsibility for the roads has been accepted by the County.
2. Private lanes shall be non-County owned and maintained and shall not be eligible for acceptance into the County road system for County ownership or for County maintenance. The developer shall be responsible for providing for the construction and the lot owners shall be responsible for maintenance including snow removal and repairs as well as other improvements and road service normally provided by the County.

H. Street Lighting

All street lighting shall comply with Section 6-6. In addition, for properties within Town Centers, street lighting shall comply with the Town Center Master Plan and Zoning Ordinance.

I. Road Frontage and Lots

1. All lots shall maintain a minimum 25 linear feet of frontage on an approved public road or private lane right-of-way.
2. In general, side lot lines shall be at right angles or radial to the road line.
3. Lots excessively deep in relation to width, or lots excessively irregular in shape are to be avoided. A proportion of three in depth to one in width shall be considered a proper maximum.
4. Where a lot is created fronting on an existing County road, the front lot line shall be established at least 25 feet from the center line of such road, and 30 feet from the center line of a designated County collector or arterial road. The widening strip, defined as the area between the front lot line and either the existing road right-of-way line, or tract line within the road right-of-way, shall be dedicated to the Board of County Commissioners for Calvert County in the form of a deed delivered and recorded prior to or simultaneous with recording the plat. For State roads, the front lot line setback will be in accordance with adopted State Highway Administration plans.
5. The Planning Commission may require sidewalks in a subdivision created in any residential, commercial or industrial district.
  - a. Sidewalks are required within Town Centers as designated by the Town Center Master Plans and Zoning Ordinances. Outside the Town Centers, sidewalks may be required in residential subdivisions under the following circumstances:
    - i. in subdivisions of 50 lots or more, in subdivisions that are part of a phased community, or in subdivisions that are linked to existing subdivisions by a road system that supports an existing sidewalk system;
    - ii. in subdivisions where the lot sizes average less than one acre;
    - iii. in subdivisions where RD-5 road construction is required; or
    - iv. in subdivisions that contain recreation or amenities that encourage pedestrian activities.
  - b. In cases where sidewalks are required, the following guidelines shall apply:
    - i. The preference is for sidewalks to be constructed with a closed section (curb and gutter) road design.
    - ii. Sidewalks within the County rights-of-way are preferable and acceptable to the Department of Public Works provided a maintenance agreement is recorded that specifies that the individual property owner (rather than a property owners' association) is responsible for the maintenance of the sidewalk in perpetuity.

- iii. Trees should not be planted adjacent to the sidewalks (especially between the curb and sidewalks), but rather should be planted outside of the rights-of-way on the individual lots.

J. Approvals of Family Conveyance of Lots Served by Private Roads

The Planning Commission may approve family conveyance subdivisions of land provided it is demonstrated that compliance with the right-of-way width requirements herein is impractical because of acquisition constraints, and the following requirements are met:

1. The parcel of land to be conveyed shall only be conveyed to a family member of lineal descent or ascent, being mother, father, son, daughter, granddaughter, grandson, or grandparent of the grantor.
2. The number of lots conveyed shall be limited to one per family member. No more than three such lots may be created.
3. The minimum lot sizes shall be in accordance with Article 5 of the Zoning Ordinance.
4. An access easement (minimum 16 feet in width) shall be provided to a State, County, or private road meeting the standards of the Calvert County Road Ordinance (Chapter 104 of the Code of Calvert County) to the benefit of the new lot owners. A deed for the access easement shall be provided for recordation by the Department of Planning and Zoning with the final plat recording package.
5. The proposed private road access shall serve a maximum of 10 lots.
6. The sale or transfer of such lots shall be limited to the owners of record at the time of adoption of this Section (April 22, 1980). This right may not be transferred by deed or will.
7. The use of such lots shall be restricted to single-family dwellings or agricultural purposes as long as the road remains private.
8. The proposed road access shall be private, non-county owned and maintained and shall not be eligible for acceptance into the County road system for County ownership or for County maintenance. A notation of such restriction shall be placed on the plat and signed by the property owners. The lot owners shall be responsible for providing for road construction and maintenance including snow removal and repairs as well as other improvements and road services normally provided by the County. 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 (Chapter 104 of the Code of Calvert County) and this Article in effect at the time of said upgrading. The cost of design, construction and bonding shall be borne by the lot owners abutting such roadway prior to acceptance by the County. If upgraded to County (non-private) road standards, such upgrading shall be for the entire limit of the road to the nearest County or State road.
9. After approval of the subdivision, the final plat for the new lot shall show that:
  - a. The grantee is of lineal descent or ascent and has not received any other lots pursuant to this Section.

- b. The road will be private and the County will not maintain the road, nor assume any responsibility for future up-grading to County specifications if the road is to become public.
  - 10. A private right-of-way of at least 16 feet in width shall be provided when access is served to one to five building sites. The 16-foot right-of-way shall be suitable for the provision of a 12-foot wide driveway with two-foot wide shoulders.
  - 11. An easement or right-of-way of at least 24 feet in width shall be provided to the property being subdivided for family conveyances and improved to 16 feet in width with four inches of compacted gravel, and two-foot wide earth-compacted shoulders when serving six to 10 building sites.
  - 12. Road rights-of-way created within a property being subdivided shall meet standards of the Calvert County Road Ordinance (Chapter 104 of the Code of Calvert County).
  - 13. Unless a traffic hazard exists or the additional lots will create such, or unless the topography is such as to require drainage easements or other surface treatment requirements, no additional road improvements will be required as part of the subdivision approval.
- K. Approvals of Private Roads for Non-Residential Subdivisions

When the Director of Planning and Zoning or his designee and the Director of the Department of Engineering or his designee find that the safety and welfare of the public is best served, they may approve privately owned roads in non-residential subdivisions in lieu of shared driveways or a public road. The privately owned roads in non-residential subdivision must meet the following conditions:

- 1. They shall meet the standards on Plate RD-6 of the Calvert County Road Ordinance (Chapter 104 of the Code of Calvert County).
- 2. Access shall be provided to a State or County road meeting the standards of the Calvert County Road Ordinance (Chapter 104 of the Code of Calvert County).
- 3. The proposed privately owned road shall serve a maximum of five lots, including developed parcels and parcels eligible to obtain a building permit.
- 4. The proposed privately owned road shall be private, non-County owned and maintained and shall not be eligible for acceptance into the County road system for County ownership or for County maintenance. A notation of such restriction shall be placed on the plat and signed by the property owners. The right of ingress and egress extends to all lots created. The lot owners shall be responsible for providing for road construction and maintenance including snow removal and repairs as well as other improvements and road services normally provided by the County. 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 (Chapter 104 of the Code of Calvert County) and this Article in effect at the time of said upgrading. The cost of design, construction and bonding shall be borne by the lot owners abutting such road way prior to acceptance by the County. If upgraded to County standards, such upgrading shall be for the entire limit of the road to the nearest County or State road.

5. After approval of the subdivision, the final plat for the new lot shall show that:
    - a. The road will be private and the County will not maintain the road, nor assume any responsibility for future up-grading to County specifications if the road is to become public.
    - b. The lot owner has an undivided ownership interest in the private access road.
  6. No lot or parcel in a subdivision subject to these regulations shall be transferred until a Public Works Agreement for the road improvements has been recorded and plat recording has been completed as per Section 7-1.03.B, and the platted roads and sidewalks (as required by final plat or preliminary approval letter) have been completed and appropriate bond or acceptable guarantee has been provided and accepted by the County Commissioners for completion of roads and sidewalks in the subdivision or that section of the subdivision in which the lot or parcel is located. The amount of the bond or guarantee shall be 125 percent of the estimated cost of completing construction, for the purpose of guaranteeing to the County that the developer will complete the construction with such time as may be proposed by the developer and approved by the County Commissioners.
- L. Approval of Private Lanes in Single-Family Residential Communities (Non-Family Conveyance Subdivisions)

When the Director of Planning & Zoning or his designee and the Director of the Department of Public Works or his designee find that the safety and welfare of the public is best served, they may approve private roads in single-family residential communities in lieu of a public road. Private roads in single-family residential communities are to be known as private lanes and must meet the following conditions:

1. They shall meet the standards on Plate RD-1 or applicable plate of the Calvert County Road Ordinance (Chapter 104 of the Code of Calvert County).
2. The proposed private lane shall serve no more than five lots, including developed lots or parcels or those parcels eligible to obtain a building permit.
3. The use of such lots shall be restricted to single-family dwellings or agricultural purposes as long as the private lane remains private.
4. The proposed private lane shall be private, non-County owned and maintained and shall not be eligible for acceptance into the County road system for County ownership or for County maintenance. A notation of such restriction shall be placed on the plat and signed by the property owners. The developer shall be responsible for providing for road construction and the lot owners for maintenance including snow removal and repairs as well as other improvements and road services normally provided by the County. The cost of design, construction and bonding shall be borne by the developer.
5. After approval of the subdivision, the final plat for the new lot shall show that:
  - a. The private lane will be private and the County will not maintain the road.
  - b. The lot owner has an undivided ownership interest in the private lane.

6. No lot or parcel in a subdivision subject to these regulations shall be transferred until a Public Works Agreement for the road improvements has been executed and plat recording has been completed as per Section 7-1.03.B, and the platted roads and sidewalks (as required by final plat or preliminary approval letter) have been completed and appropriate bond or acceptable guarantee has been provided and accepted by the County Commissioners for the completion of roads and sidewalks in the subdivision or that section of the subdivision in which the lot or parcel is located. The amount of the bond or guarantee shall be 125 percent of the estimated cost of completing construction, for the purpose of guaranteeing to the County that the developer will complete the construction within such time as may be proposed by the developer and approved by the County Commissioners for County road specifications, see Calvert County Road Ordinance (Chapter 104 of the Code of Calvert County).
  7. When a private lane is proposed to access directly off of a County or State road (other than an existing or proposed internal subdivision road), then a common access drive shall be provided between the County Road and private lane. The common access drive shall meet all of the requirements for a private lane, except that it shall meet the standards on Plate RD-14A of the Calvert County Road Ordinance (Chapter 104 of the Code of Calvert County). The Department of Public Works may permit the use of only a common access drive (without the private lane) provided that it meets all other private lane requirements.
- M. Storm Drainage Systems
1. Storm drainage systems shall be provided and constructed in accordance with the Calvert County Specifications and Design Standards for Roads and Streets.
  2. Perpetual drainage easements shall be shown on the Preliminary Plan where a natural water course (stream) exists and where natural or road drainage is located or is proposed.
- N. Water and Sewer Systems
1. Prior to submittal of the preliminary subdivision application, any proposed subdivision to be served by a water and sewer system shall be in the correct water and sewer allocation category for the type of system intended to serve the development.
  2. All existing and/or proposed water and sewer infrastructure and easements required for site development shall be shown on the submitted preliminary plan. Any land intended to be conveyed to the County for the provision of public water and/or sewer infrastructure shall also be shown on the preliminary plan.
  3. Water and sewer construction plans shall be submitted to the Department of Public Works, Bureau of Utilities for review and approval prior to approval of the final subdivision plats.
  4. Deeds for any required land and/or easements required as part of the water and sewer plan approval shall be provided with the final plat for recording by the Department of Planning and Zoning.

5. Water and sewer systems shall be constructed in accordance with the Calvert County Standard Details of Water and Sewer Systems. A Public Works Agreement for the required water and sewer system shall be executed prior to the issuance of any grading or building permits.
  6. No subdivision plat shall receive final approval unless the applicant demonstrates that Section 9-512 of the Environmental Article of the Annotated Code of Maryland has been met.
- O. Non-Residential Subdivisions
1. Subdivisions which are non-residential in nature, such as commercial and industrial developments, shall conform to the standards established in the Calvert County Zoning Ordinance.
  2. The developer shall demonstrate to the satisfaction of the Planning Commission that the road, parcel and block pattern is specifically adapted to the uses anticipated and takes into account existing and proposed uses in the vicinity.
  3. Alleyways with a minimum width of 30 feet may be required at the rear of all lots designated for commercial or industrial use, so as to provide access for service and delivery and emergency vehicles.
  4. A concept plan of the proposed subdivision shall be submitted in accordance with Section 7-1.07.A.
  5. Non-residential parcels that were created by deed after the adoption of the Subdivision Regulations (April 4, 1972) must obtain final subdivision approval from the Planning Commission prior to the issuance of any building permits for site development.
- P. On-Site Recreational Requirements
1. Subdivisions with 50 or more lots shall provide neighborhood recreation on site. A minimum of 800 square feet per dwelling unit of land suitable for active recreational development shall be provided for neighborhood recreation of which a minimum of 200 square feet per dwelling unit shall be developed as follows:
    - a. It shall not contain any sensitive environmental features, including but not limited to floodplains, steep slopes, wetlands, or wetland buffers, waters of the United States, erosive soils, or other types of environmental preservation areas such as forest retention afforestation, front roadway buffers, and conservation areas.
    - b. The finished parcel shall be no more than 25 percent of the required wooded area with slopes of no greater than 15 percent, with good drainage;
    - c. Playing fields shall be visible from some of the residential units they are intended to serve;
    - d. The land must be accessible to children without crossing arterials or collector roads;
    - e. The land shall not be adjacent to public roads unless physical barriers adequate to prevent children from running out into roads are provided.

2. Playing fields shall be provided in addition to the above requirements for recreation areas. Playing fields shall be graded at the time of base road construction and shall be installed when building permits have been issued for 50 percent of the houses within each phase of the subdivision.
  - a. Purpose:

to provide for play close to home designed for children ages seven to 15. May also serve as net games area, "village greens", and community house lawns.
  - b. Minimum standards:
    - i. 150 square feet per unit and in no case less than 10,000 square feet
    - ii. Dimensions: 100 feet by 100 feet
  - c. Method of calculating required number of fields:
    - i. Multiply total number of units by 150 square feet. Divide total by 10,000 square feet. The total number of required playing fields equals the whole number in the dividend. The remaining acreage is to be applied to other active recreation areas.
    - ii. Example: 100 units multiplied by 150 square feet equals 15,000 square feet. 15,000 square feet divided by 10,000 equals 1.5, which equates to one playing field. Remaining 5,000 square feet is to be applied to other active recreation areas.
  - d. Exceptions:

Variations in sizes and dimensions of playing fields may be approved provided they meet the purpose and criteria listed above.
3. Paved area containing 50 square feet per unit (minimum 2,500 square feet) shall be provided as part of the above requirements for recreation areas. Paved areas shall be graded at the time of base road construction and shall be installed when building permits have been issued for 50 percent of the houses within each phase of the subdivision.
  - a. Purpose:

To provide facilities and space for basketball practice, handball practice, shuffleboard, roller skating, outdoor dances, formal net games. All ages, primarily 10 years to adult.
  - b. Minimum standards:
    - i. half court: 50 feet by 42 feet (or 2,100 square feet); whole court: 50 feet by 84 feet (or 4,200 square feet)
    - ii. Construction and materials specifications to be approved by the Department of Planning and Zoning.
    - iii. Must be visible from residential units and/or public areas. Must have good drainage.

- c. Equipment:
  - i. half court - one basketball backboard and net; post holes for net games, and permanent seating for a minimum of six persons.
  - ii. whole court - two basketball backboards and nets; post holes for net games, and permanent seating for a minimum of nine persons.
  - iii. north/south orientation is strongly encouraged.
- d. Lighting:
 

When more than three paved areas are required, one shall be lighted. Paved areas and lighting shall be included in the public works agreement and graded at the time of base road construction and completed with the final road surface pavement. All outdoor lighting shall comply with Section 6-6, Outdoor Lighting Ordinance.
- e. Exceptions:
 

Variations in size and dimensions may be approved provided they meet the purpose and criteria listed above.

- 4. Other Recreation Areas
 

The remaining required acreage may be utilized to provide a variety of recreational facilities including but not limited to: fishing piers, waterfront parts, outdoor theater/concert areas, gazebos, racquet courts, tennis courts, fitness trails, garden plots, playgrounds, handball courts, shuffle board, putting greens, or lap pools. Approval will be based on appropriateness to the age groups and population to be served, location and construction and maintenance standards.
- 5. Maintenance
  - a. When lands or facilities are deeded to and accepted by the County, development, supervision and maintenance of such areas shall be the responsibility of the County.
  - b. When areas are reserved for common use by all property owners in the subdivision, covenants and Homeowners' Association documents shall be provided for recordation with the final plats that shall provide for construction (by the developer), supervision and maintenance of such areas.
- 6. Land dedicated as open space shall be shown on the final plat as provided in Section 7-1.07.C.3.n.

(12/09/06)  
(8/28/07)

- Q. Buildable Residue
  - 1. The buildable residue, if any, in a recorded subdivision shall be labeled as such on the subdivision plat and shall meet the following conditions in order to be labeled as buildable residue:
    - a. the residue is of sufficient size to be subdivided into two or more lots meeting the requirements of the Zoning Ordinance and
    - b. the original parcel qualified as a buildable lot prior to the subdivision.
  - 2. Parcels which do not meet the conditions of paragraph '1' of this Section shall be labeled as non-buildable residue on the subdivision plat.
  - 3. The designation of a property as a buildable residue shall not be construed as a guarantee that the future subdivision of the buildable residue will be approved. Subdivision of the buildable residue shall be subject to the regulations in effect at the time it is subdivided.

4. Residue shown on a subdivision plat recorded prior to December 9, 2006 shall not be deemed buildable unless it met the size, density, dimension, and other requirements of this Ordinance at the time the subdivision was recorded. If the parcel is to be served by a private well and/or septic system, all required approvals by the Health Department shall be obtained.

7-1.07 Subdivision Review Procedures

There are three levels of subdivision review procedures, as described in the Sections that follow. They are: Concept Plan Review; Preliminary Plan Review; and Final Plat Review

A. Concept Plan Review

1. Prior to submittal of an official subdivision application, a concept plan shall be submitted showing existing features and all ultimate development with respect to lots, roads, and other site improvements located in accordance with the provisions of this Ordinance. The purpose of this approach is to resolve problems before extensive engineering begins. In the event that any of the individual provisions of this Ordinance, relating to the placement of lots and roads (Section 5-2.01), conflict with each other as applied to a given site, these conflicts shall be noted in writing by the applicant as part of the concept plan submittal. The Planning Commission or its designee may waive or reduce the requirement for a concept plan of the entire parent tract for certain minor subdivisions. Such waivers or reductions shall be granted on a case by case basis and limited to minor subdivisions where the proposal does not significantly impact the future layout and development of the parent tract (such as the creation of a lot containing an existing house or creation of a single lot on a large parent tract).
2. The concept plan submittal shall be accompanied by the following maps, each showing the boundaries of the proposed lots, the boundaries of the parent tract and the locations and boundaries of any lots created from the parent tract since June 29, 1967.
  - a. a soils map at a scale of one inch equals 600 feet (1" = 600'),
  - b. an aerial photograph at a scale of one inch equals 600 feet (1" = 600'),
  - c. a tax map at a scale of one inch equals 600 feet (1" = 600'), and
  - d. a topographic map at a scale of one inch equals 600 feet (1" = 600'),
3. The plan shall also indicate:
  - a. all applicable zoning districts and district overlays with acreages for each,
  - b. gross tract acreage,
  - c. wetland acreage,
  - d. acreage in proposed rights-of-way,
  - e. net acreage (gross acreage minus tidal wetlands, non-tidal wetlands, zoned wetlands, and State wetlands), and
  - f. areas of unsuitable land (Natural Resources Protection Areas as described in Section 8-2), and
  - g. Land uses of all adjoining properties.
4. The concept plan shall be reviewed at a Concept Review meeting by applicable County reviewing agencies and written comments shall be submitted to the applicant within 15 working days of the meeting.

(3/25/08)

5. The concept plan shall show existing land uses as identified below:
    - a. Forested area. Forested area shall be identified in accordance with the Calvert County Forest Conservation Program.
    - b. Cropland, pasture, meadow. All lands that have been cleared for use as cropland, pasture or meadow and which show up as such on the most recent aerial photographs.
    - c. Conservation Area. Tidal and non-tidal wetlands, floodplains, steep slopes, streams and their buffers shall be identified giving acreages for each.
    - d. Buildings, roads, overhead power lines and rights-of-way for gas, electric, telephone and cable lines, abandoned railroad rights-of-way, cemeteries, trails, trash dumps and hazardous waste dumps and fences shall be shown. Buildings older than 50 years shall be designated as such. If buildings exist on-site, they are to be identified by type and whether the buildings are to remain or be removed as a result of site development.
- B. Preliminary Plan Review
1. Purpose
 

The purpose of the Preliminary Subdivision Plan is to provide a basis for Planning Commission to grant conditional approval of a proposed subdivision in order to minimize changes and revisions which might otherwise be necessary on the Final Plat.
  2. General
    - a. The Preliminary Subdivision Plan and all information and procedures relating thereto shall in all respects be in compliance with the provisions of these regulations, except where variation therefrom has been specifically authorized in writing by the Planning Commission.
    - b. Approval of the Preliminary Plan by the Planning Commission shall constitute conditional approval of the subdivision as to character and intensity, but shall not constitute approval of the final plat or authorize sale of lots or construction of buildings.
  3. Drafting Standard
    - a. The Plan shall be clearly and legibly drawn at one of the following scales:
      - i. One inch equals 20 feet (1" = 20'); one inch equals 40 feet (1" = 40'); one inch equals 100 feet (1" = 100'); one inch equals 30 feet (1" = 30'); or one inch equals 50 feet (1" = 50')
      - ii. Other scales may be accepted where deemed appropriate by the Planning Commission or its designated representative.
    - b. Dimensions shall be in feet and bearings in degrees and minutes. Lot sizes shall be shown in square feet where lot size is less than one acre, and in acres and decimal parts for larger lots.
    - c. Each sheet shall be numbered and shall show its relationship to the total number of sheets.

- d. Where any revision is made, or when the Plan is a revision of a previously recorded plat, dotted lines shall be used to show features or locations to be abandoned and solid lines to show the presently proposed features. The title block of the Plan shall identify that the Plan is a revision and the previous Plan's name and deed reference.
  - e. The Plan shall be so prepared and bear an adequate legend to indicate clearly which features are existing and which are proposed.
  - f. The boundary line of the subdivision shall be shown as a heavy solid line.
4. Information to be Provided. The Preliminary Plan shall show or be accompanied by the following information:
- a. The subdivision name shall be shown in the title block in the bottom right corner of the plat.
  - b. Owner and developer's name and mailing and e-mail address.
  - c. Name, mailing and e-mail address and seal of the Registered Engineer, Registered Landscape Architect or Registered Land Surveyor (in each case, registered in the State of Maryland) responsible for the Plan.
  - d. Date, north point, and scale.
  - e. A vicinity map indicating the location of the site with relation to the area road system. The vicinity map shall also indicate the scale, the tax map number, the block and parcel number of the site and shall be shown in the top right corner of the plat.
  - f. All applicable Zoning Districts and Overlay Districts with acreages for each as well as gross acreage, wetland acreage, acreage in proposed rights-of-way and net acreage (gross acreage minus tidal wetlands, non-tidal wetlands, zoned wetlands, and State wetlands).
  - g. Existing Features
    - i. Complete outline survey of the property to be subdivided showing all courses, distances, and area, and tie-ins to all adjacent road intersections.
    - ii. The location of property with respect to surrounding property and roads, the names of all adjoining property owners of record and their deed references or the names of adjoining developments; the names, widths, and centerline of adjoining roads; and/or other pertinent features being outside the property as determined by the Planning Commission or its designated representative.
    - iii. Location of all existing monuments or boundary markers.
    - iv. The location of existing buildings, structures, roads, driveways, easements, utility lines, bridges, cemeteries, water bodies, streams, swamps, marshes, areas within the 100-year floodplain and other areas listed in Section 8-2 and/or other pertinent features being within the property, as determined by the Planning Commission or its designated representative.
    - v. Topography on two-foot contours as appropriate to the slope of the land.

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- vi. All information required of the Calvert County Forest Conservation Program including the requirements listed in Section 8-3 of the Zoning Ordinance and in the Maryland Forest Conservation Technical Manual.
  - vii. Buildings, roads, overhead power lines and rights-of-way for gas, electric, telephone and cable lines, abandoned railroad rights-of-way, cemeteries, trails, trash dumps and hazardous waste dumps and fences shall be shown. Buildings older than 50 years shall be designated as such. If buildings exist on-site, they are to be identified by type and whether the buildings are to remain or be removed as a result of site development.
- h. Proposed Layout
- i. The layout of roads, including proposed names, widths and centerlines.
  - ii. The layout and appropriate dimensions of lots.
  - iii. A reference to any land offered for dedication or reservation for parks, schools, widening of roads, or other public uses.
  - iv. The average and minimum lot size.
  - v. Location and size of storm drains, sanitary sewers, culverts, water course and all appurtenances thereof, water mains and fire hydrants.
  - vi. Building Restriction Lines and minimum lot widths if used to determine front Building Restriction Lines.
  - vii. Rights-of-way and/or easements proposed to be created for all drainage purposes and utilities.
  - viii. Typical cross-sections and centerline profiles for each proposed road. This information may be submitted as separate plats.
  - ix. Types of road surfaces to be provided.
- i. Community Water and Sewerage Facilities
- i. The policies and requirements of the Water & Sewerage Plan shall be met.
  - ii. The Planning Commission may require the developer to prepare a feasibility study.
  - iii. The Planning Commission shall set as a condition of approval of the plat the extent to which water and sewerage and other utilities shall be installed.

- j. Environmental Impact Statement
  - i. The Planning Commission may require submission of an Environmental Impact Statement, prepared by a Registered Professional Engineer, for subdivisions which create more than 30 lots, or consist of more than 50 acres, or contain land which has more than the average in sensitive or extremely sensitive land categories (the average for the County being 17 percent extremely sensitive and 28 percent sensitive).
  - ii. Environmental Impact Statements shall address both the long and short range impact of the following points and any other issues which are considered by the Planning Commission to be relevant to the particular property: proposed methods for handling run-off, drainage, and the siltation implications of the project; impact that the development will have on air and water quality; impact on transportation systems and facilities; implications of the development on the ambient quality of the wildlife habitats and vegetative species present on the property and on contiguous properties; proposed methods to preserve unusual physical features (both man-made and natural); proposed methods to remedy unstable landscape patterns (such as shoreline erosion, inland erosion areas, high water table soil areas, landslide areas, areas that have experienced plant or animal diseases, past mining extractions).

5. Health Department Approval

Perc tests must be performed and septic recovery areas approved by the Department of Environmental Health prior to preliminary approval of any lot regardless of size. If the lots are to be connected to a proposed sewer system, then the construction plans for the new system must be approved by the appropriate agencies prior to final plat approval of the lots. If the lots are to be connected to an existing sewer system, then the allocation for the lots must be approved prior to preliminary approval.

6. Preliminary Plan Procedures

- a. The Director of Planning & Zoning shall establish appropriate procedures and application forms (electronic and/or paper form) necessary to ensure adequate review and processing of subdivision applications in a timely manner (including a submittal time-frame) consistent with these Regulations. Included shall be a checklist, which shall show all information required for subdivision application submittal. The checklist shall be available at the Department of Planning & Zoning. Procedures (other than those specified by these regulations) shall be approved by the Board of County Commissioners. Review fees shall be set by the Board of County Commissioners.

- b. Upon receipt of a preliminary subdivision application, the Secretary to the Planning Commission, or the Secretary's designee, shall have 10 working days to certify that the application package is complete. If it is not complete, it shall be rejected. Prior to approval of any preliminary subdivision plan by either the Planning Commission or the Secretary to the Planning Commission (per paragraph 'e' of this Section), comments shall be requested from other agencies, including but not limited to: Department of Planning and Zoning; Engineering Bureau, Transportation Bureau, Bureau of Utilities<sup>1</sup>, (Bureaus of the Department of Public Works); Department of Economic Development;<sup>2</sup> State Highway Administration<sup>3</sup>; Health Department<sup>4</sup>; and the appropriate electric utility serving the area.
  - c. If the subdivision is located within the Critical Area, comments shall also be requested from the State Critical Area Commission, the State Department of Natural Resources and Maryland Department of the Environment.
  - d. If the Principal Environmental Planner determines the subdivision to have severe environmental impacts, the subdivision may be referred to the Environmental Commission for comments. Such comments shall be submitted in a timely manner, and shall at no time delay the review process beyond the time period required by paragraph 'f' of this Section.
  - e. By authority of the Planning Commission, proposed subdivisions of land containing five lots or less may be granted preliminary approval by the Chairman or Secretary to the Planning Commission in accordance with these Regulations.
  - f. In accordance with these Regulations, the Planning Commission shall take action within three months, following certification by the Secretary to the Planning Commission that the subdivision application is complete and proper, where a quorum is present to approve or disapprove the preliminary subdivision plan or approve it with modifications. A statement, in writing, shall be furnished to the subdivision applicant indicating the actions of the Planning Commission. An applicant, or his/her authorized agent, may waive this requirement or agree to an extension of this period for approval.
7. Space shall be provided on the Preliminary Subdivision Plan for signature and dates indicating approval by the following:
- a. A Registered Engineer, a Registered Landscape Architect or a Registered Land Surveyor in the State of Maryland.
  - b. County Health Officer, or representative of State Health Department.

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<sup>1</sup> Only if the subdivision application indicates the use of a community water and/or sewerage system.

<sup>2</sup> Only if the application is for a commercial or mixed-use subdivision.

<sup>3</sup> Only if the application is located on an existing or proposed State road.

<sup>4</sup> Only if the subdivision is subject to Section 5-1.03.C.3.a of the Calvert County Zoning Ordinance and contains lots of less than one acre in size.

(10/13/10)

8. Period of Validity

The approval of the Preliminary Subdivision Plan shall expire after three years from the approval date unless an extension is granted by the Planning Commission. Final plat approval may be delayed if schools and/or roads are determined to be inadequate. See Section 7-1.05, Adequate Public Facilities Requirements, and the policy adopted by the Planning Commission titled, "Policies for Administering Subdivisions under the Adequate Public Facilities Ordinance for School Capacity", for specific requirements.

9. If, subsequent to preliminary approval, the applicant proposes changes to the plan, the applicant shall submit a revised plan application package to the Department of Planning and Zoning. If the proposed revisions significantly change the alignment or use of an approved right-of-way or significantly alter the layout and design of the subdivision, including but not limited to the configuration of the open space, then the revised application package shall adhere to the review and approval process set forth in Section 7-1.07.B.1-7. Otherwise, the revised plan shall be marked accordingly and a copy of the plan sent to the review agencies.

10. Fees

Fees for submission of a Preliminary Subdivision Plan for approval shall be as adopted by the Calvert County Commissioners by resolution.

C. Final Plat Review

1. General

The Final Subdivision Plat shall consist of a drawing, intended for record, incorporating those changes or additions required by the Planning Commission in its approval of the Preliminary Subdivision Plan.

2. Drafting Standards

Drafting standards for Final Subdivision Plat shall be as described in Section 7-1.07.B.3.

3. Information to be Shown

- a. The subdivision name shall be shown in the title block in the bottom right corner of the plat.
- b. Owner and developer's name and address.
- c. Name, address and seal of the registered surveyor responsible for the plat. The surveyor must be registered in the State of Maryland.
- d. Date, north point, and scale.
- e. A vicinity map as described in Section 7-1.07.B.4.e.
- f. Names, intended ownership (public or private), and centerline of all proposed and adjoining roads with their rights-of-way widths.

- g. Accurate distances and bearings of all boundary lines of the subdivision.
  - h. Lines of all lots, and a simple method of numbering to identify all lots and sections.
  - i. Building Restriction Lines, minimum lot widths if used to determine front Building Restriction Lines, and all easements provided for public and private service together with their dimensions and any limitations of the easements.
  - j. All dimensions necessary for accurate location of the boundaries of the site to be developed and of all roads, lots, easements, and dedicated areas. All other parcels created as a result of the subdivision shall be included on the final plat and labeled so as to indicate intended use or disposition. These dimensions shall be expressed in feet and decimals of a foot.
  - k. All radii, arcs, points of tangence, central angles, and lengths of curves.
  - l. All required and existing survey monuments benchmarks (i.e., concrete monuments, pipe, trees, fences, etc.), together with their description.
  - m. Private, self-imposed and previously existing covenants, restrictions and/or easements and their period of existence are to be shown or referred to on the recorded Final Subdivision Plat. This is not to preclude future recording of new or altered covenants, restrictions and/or easements.
  - n. The accurate outline, dimensions and purposes of all property which is offered for dedication or is to be reserved for acquisition for public uses or is to be reserved by deed covenant for the common use of the property owners in the subdivision.
  - o. Types of road surfaces to be provided.
  - p. Location of storm drains, culverts, water courses, and all appurtenances thereof.
  - q. Notes or conditions clarifying requirements of the Planning Commission.
4. Space shall be provided on the Final Subdivision Plat for signature and dates indicating certificate of approval by the following:
- a. A Registered Surveyor (Signature and seal).
  - b. County Health Officer, or representative of State Health Department.
  - c. Chairman or Secretary to the Planning Commission.
  - d. Owner and all parties having proprietary interest in the property subdivided.
5. Preparation of Final Subdivision Plat
- a. Final Plats for subdivisions of one to five lots shall be prepared on sheets of either 8 ½ inches by 13 ½ inches and recorded in the Land Records of the Clerk of the Circuit Court or sheets 18 inches by 24 inches and recorded in the Plat Records of the Clerk of the Circuit Court.

- b. Final Plats for subdivisions of six or more lots shall be prepared on sheets of 18 inches by 24 inches and recorded in the Plat Records of the Clerk of the Circuit Court.
6. Approval of the Final Subdivision Plat
- a. The Department of Planning and Zoning shall review the Final Plat and verify approval of other appropriate County agencies and compliance with all conditions of preliminary approval.
  - b. The Planning Commission shall approve or disapprove the final plat within 30 days of receipt of the original/mylar recording package, or, if a regular meeting is not scheduled within 30 days, the Planning Commission shall approve or disapprove the final plat at its next regular meeting following the 30-day period. If the Planning Commission does not approve or disapprove the final plat within the above-specified time frame, the plat shall be considered approved and the Planning Commission shall issue a certificate to that effect on demand. An applicant may waive this requirement and consent to an extension of the period for approval.
  - c. By the authority of the Planning Commission, proposed subdivisions of land containing five lots or less may be granted final approval and the Final Plat or Recording of Plat Sheet may be signed by the Chairman or Secretary to the Planning Commission.
7. Copies to be furnished
- The developer or his agent shall submit an electronic version as per standards approved by the Board of County Commissioners, three originals, two reproducibles of archival quality and the number of paper copies specified in the preliminary approval letter for certification by County agencies and recording. The following materials fail to meet archival standards: sepia (black or brown) on transparent mylar, black-line xerox on transparent mylar, transparent mylar - black line diazo, opaque linen - black line diazo.
8. Recording of Final Plat
- No Final Plat of a subdivision shall be recorded with the Court Clerk unless such plat has been approved by the Planning Commission under provisions of this regulation and signed by its Secretary or Chairman.
9. Statements and Certificates
- The following statements by the responsible owner, partnership, corporation or developer, as appropriate and representing all parties having proprietary interest in the property, shall be provided on the plat:

"The undersigned owners and all parties having proprietary interest in this property hereby adopt this plan of subdivision, establish the minimum building restriction lines, and dedicate the roads, alleys, walks and other areas as specified. The roads, open spaces and public sites shown herein and the mention thereof in deeds, are for the purpose of description only, and recording of the Final Plat shall not be deemed to constitute or effect an acceptance by the County Commissioners; acceptance by the County may be accomplished by a subsequent appropriate act. An easement is established 10 feet in width binding on all rights-of-way for the installation and maintenance of public utilities."

_____	
(Date)	(Witness)
_____	
(Signature)	(Name Printed)

10. Fees

Fees for submission of a Final Subdivision Plat for approval shall be as adopted by the Calvert County Commissioners by resolution.

7-1.08 Improvement Plans

A. General

Plans for improvements and amenities, either proposed by the Developer or required by County or State regulations, shall be prepared by the Developer for approval by the appropriate public authorities and review agencies prior to approval of the final plat.

B. Bonding of Improvements and Amenities

No building permits shall be issued until an appropriate bond or acceptable guarantee has been provided and accepted by the County for completion of roads, sidewalks, lighting, recreational facilities, landscaping, and amenities in the subdivision or that section of the subdivision in which the lot is located, in accordance with Section 7-1.04.A.3.

C. If a separate site plan is required for development of the subdivision, then the requirements of the improvement plan may be addressed through site plan review and approval by the Planning Commission or its designee.

D. Construction

All construction work or improvements required by the subdivision approval and/or improvement plan shall be subject to inspection during construction, and to approval by appropriate public authorities upon completion of construction.

E. Permanent Reference Monuments

Permanent reference monuments of stone or concrete, shown thus,  $\triangle$ , at least 36 inches in length and four inches square with suitable center point shall be set flush with the ground at finish grade as required by Article 17 of the Annotated Code of Maryland (1957) as amended. A metal pipe three-quarters of an inch in diameter and at least 24 inches in length, shown thus,  $\triangle$ , shall be located in the ground, flush at finish grade, at all intersections of roads, intersections of roads and alleys with plat boundaries, and at all points on roads, alleys and boundary lines where there is a change in direction or curvature and at all lot corners.

7-1.09 Modifications

A. Modification of Requirements

Where in the case of a particular proposed subdivision, it can be shown that strict compliance with the requirements of this regulation would result in extraordinary hardship to the developer because of unusual topography or shape of the parcel, or other such non-self-inflicted condition, or that these conditions would result in inhibiting the achievement of the objectives of these regulations, the Planning Commission may, after consultation with appropriate agencies, vary, modify, or waive the requirements so that substantial justice may be done and the public interest secured; provided, that such variance, modification or waiver will not have the effect of nullifying the intent and purpose of this regulation or interfering with carrying out the Comprehensive Plan of Calvert County. In no case shall any variation or modification be more than a minimum easing of the requirements and in no instance shall it conflict with any zoning ordinance or zoning map. In granting variances and modifications, the Planning Commission may require such conditions as will, in its judgment, secure substantially the objectives of the requirements so varied or modified.

B. Revisions to Final Plats (Replattings)

1. If the applicant proposes changes to the approved final plat, an amended plat of subdivision shall be filed with the Secretary to the Planning Commission for review and approval, approval with conditions, or disapproval by the Planning Commission or its designee, and recorded. If the proposed amendment alters recreation area or common open space<sup>5</sup> within a particular section or phase and lot owners of that section or phase possess a vested interest in the recreation area or common open space through a specific grant by deed, plat, or other document recorded among the land records, then the application to the Planning Commission shall be signed by all property owners in that section or phase. If the subdivision is not recorded in sections or phases, then all property owners having a vested interest in the recreation area or common open space shall sign the application.

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<sup>5</sup> As defined by *Black's Law Dictionary*, 1983, 5<sup>th</sup> Ed., Henry Campbell Black, St. Paul, Minnesota, West Publishing Co.

2. Replattings are required for any changes to the record plat that affect a lot or parcel including, but not limited to: lot line adjustments, easements, lateral line revisions, removal of a previously recorded condition and/or note, etc. Such revisions shall be drawn by a licensed surveyor and reviewed by the Department of Planning and Zoning and other County, State and Federal agencies. After all approvals, the plat may then be recorded in the Land Records of Calvert County.
3. The Department of Planning and Zoning shall maintain a policy for processing replattings, including a checklist of submittal requirements.

C. Fees

Fees for the review of revisions to final recorded plats shall be as set forth by the Board of County Commissioners by resolution.

7-1.10 Administration

A. Separability

It is hereby declared to be the legislative intent that if a court of competent jurisdiction declares any provision of these regulations to be invalid, or ineffective in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the court decision to be invalid or ineffective, and all other provisions of these regulations shall continue to be separately and fully effective.

B. Changes and Amendments

1. These regulations may from time to time be amended, supplemented, changed, modified or repealed by the County Commissioners.
2. Any person or officer, department, board, commission or bureau of the County may petition for such change or amendment; however, no such change or amendment shall be presented to the County Commissioners for approval until the Planning Commission has held a public hearing in relation thereto, at which parties of interest and citizens shall have an opportunity to be heard. At least 14 days notice of the time and place of such hearing shall be published in newspapers of general circulation in the County. After said public hearing, the Planning Commission shall forward to the County Commissioners its recommendation concerning such change and amendment.
3. Upon receipt and prior to taking action on such change or amendment, and accompanied by a recommendation from the Planning Commission, the County Commissioners shall schedule a public hearing in relation thereto; at least 14 days notice of the time and place of such hearing shall be published in newspapers of general circulation in the County.
4. The above-described hearings may be held jointly or separately by the respective Commissions at the discretion of the Board of County Commissioners.

## 7-1.11 Review and Appeal

(08/28/07) 7-1.11 Review and Appeal  
(05/12/09)

- A. If the Planning Commission authorizes the Planning Commission Administrator or an equivalent administrative officer to approve subdivision plats pursuant to the authority granted in Maryland Code Article 66B, Section 5.02(b), as amended from time to time, the Planning Commission shall, upon the request of any person aggrieved by a decision of the Planning Commission Administrator, review the decision of the Planning Commission Administrator, provided that such request is received by the Planning Commission within 30 days of the date of the Planning Commission Administrator's final decision.
- B. Appeals of decisions of the Planning Commission shall be noted with the Circuit Court of Calvert County. Appeals to Circuit Court shall be made in accordance with the Maryland Rules as set forth in Title 7, Chapter 200 within 30 days of the final decision of the Planning Commission.

## 7-1.12 Violations

A violation of any provision of Article 7 or a failure to comply with any requirement of Article 7 by any person, corporation, association, partnership, or the agent of any such person, may be processed as a Zoning Violation under the provisions of Section 1-7.