

**ARTICLE 5
SUBDIVISION AND LAND DEVELOPMENT ORDINANCE
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**ARTICLE 5
SUBDIVISION AND LAND DEVELOPMENT**

A. General Provisions.

1. Title.

This Article shall be known and cited as the Subdivision and Land Development Ordinance, Hagerstown, Maryland, as amended.

2. Administration of Ordinance.

This Subdivision and Land Development Ordinance shall be administered by the Hagerstown Planning Commission. All applications, fees, maps and documents relative to subdivision approval shall be submitted to the Department of Planning of the City of Hagerstown for review and formal action by the Hagerstown Planning Commission, hereinafter referred to as the Commission.

3. Application and Interpretation.

No land within the incorporated area of Hagerstown, Maryland, shall be subdivided, nor shall any lot be sold or building erected in a subdivision as herein defined, until a plat of the subdivision is approved by the Commission and the plat properly filed and recorded by the Clerk of the Circuit Court for Washington County, Maryland.

Pursuant to Article 66B of the Annotated Code of Maryland, a Clerk of the Circuit Court shall not record a plat of a subdivision unless the plat has been approved by the Commission as required by law. Any subdivision plat recorded without Commission approval has only the legal effect of an unrecorded plat.

In their interpretation and application, the provisions of these Regulations shall be held to be minimum requirements to meet the stated purpose and intent of these Regulations. Where the provisions of these Regulations impose greater restrictions than those of any statute, other regulations, or ordinance, the provisions of these Regulations shall prevail. Where the provisions of any Federal, State, or City statute, ordinance, or regulation impose greater restrictions than these Regulations, the provisions of such Federal, State, or City statute, regulation, or ordinance shall prevail.

The transfer, whether by gift, purchase, or otherwise, of a portion of a lot, tract or parcel of land, to the City of Hagerstown, or to any agency thereof, for the purpose of acquisition of a road right-of-way, may not be subject to these Regulations. However, prior to the exchange of title, the proposed acquisition shall be approved by the Hagerstown Planning Commission.

a. Mergers.

The divisions or mergers of residentially zoned land that involve conveyance between adjoining and contiguous parcels, may not be subject to these Regulations, provided

that:

- (1) Neither the parcel being divided nor the parcel being enlarged are in a previously recorded subdivision.
- (2) The land conveyed shall be merged into the adjoining parcel, and common property line eliminated so as to form one lot.
- (3) The division shall not create a violation of the zoning regulations, except that conveyances are permitted between parcels which do not comply with current zoning bulk regulations if neither parcel becomes less complying. Merger of a noncomplying parcel into a larger parcel is also permitted.

b. Minor Subdivisions.

- (1) Exempt from Sketch and Development Plan: A Minor Subdivision as defined herein is exempt from the Sketch Plan and Development Plan. Initial submissions of Minor Subdivisions may be at the Final Plat stage.
- (2) Such subdivisions shall affect the entire parcel or tract.
- (3) The Department of Planning and Zoning Administrator may permit Minor Subdivisions which are not in accordance with the minimum lot size requirements of the zoning regulations if:
 - (a) The minor subdivision improves the compliance of existing lots that do not meet current zoning bulk regulations by bringing the noncomplying lots as close to zoning compliance as possible; and
 - (b) The remainder of the parcel after the minor subdivision is in accordance with the zoning regulations.
 - (c) The subdivision of an existing duplex into two separate lots with a common wall.

c. Resubdivision or Boundary Line Adjustment.

Resubdivision plan approval is required in order to modify a previously recorded plat by adding or deleting lots or modifying lot lines. Provided there are no public road or private access place improvements required and no addition to the area previously recorded, a resubdivision or boundary line adjustment is exempt from the Sketch Plan and Preliminary Plan procedures of this Subtitle. Initial submissions may be at the Final Plat stage.

d. Adjustments to Recorded Plats.

The combination or recombination of a portion of previously subdivided and recorded

lots if the total number of lots is not increased, and the resultant lots are equal to or exceed the standards of this Ordinance.

4. Subdivisions of Record.

Any plat or subdivision approved by the Department of Planning and/or the Planning Commission under the auspices of this Ordinance and recorded among the Land Records of Washington County prior to the effective date of this Ordinance shall be accepted as valid and no further approval by the Commission shall be required for the conveyance of lots so shown.

5. Definitions.

Article 3 of the Land Management Code shall govern all definitions as they apply to this Article.

6. Modification.

Where the Commission finds that extraordinary hardships may result from strict compliance with these Regulations, or where the Commission finds that environmentally sensitive features worthy of preservation will be destroyed, it may vary the Regulations so that substantial justice may be done and the public interest secured, provided that such modification will not have the effect of nullifying the intent and purpose of these Regulations.

A modification may be granted where the hardship is created by the physical character of the property, including irregular dimensions and topography, or by other extraordinary situation or condition of such property, or by the use or development of property immediately adjacent thereto. Personal or self-inflicted hardship shall not be considered as grounds for the issuance of a modification.

A modification may also be granted where necessary for preservation of environmentally sensitive features.

Where a modification is granted, the Commission may attach such conditions and safeguards as are deemed necessary to protect general public interest or the character of the neighborhood, and may require a guarantee or bond to assure compliance.

7. Assessment of Lots in a Subdivision.

The filing of plans with the Commission shall not constitute a basis for a change of tax assessment. When the final subdivision plat is filed with the Clerk of the Circuit Court for recording, it becomes public information, and a print of the plat so recorded is forwarded to the County Assessor office.

8. Appeals.

Appeals from the provisions of this Article shall be in accordance with the procedures set forth in Article 8, Section C of this Code.

9. Amendments.

The Commission may recommend and the Mayor and City Council may adopt amendments to the provisions of these Regulations if it is determined, after public hearing and advance public notice of said hearing, that any such amendment will better the public interest and the general purpose of these Regulations, as defined in Article 66B of the Annotated Code of Maryland.

10. Violations and Penalties.

The treatment of violations of this Ordinance, and penalties for those violations shall be in accordance with Article 8, Section C of this Code.

11. Repeal.

All other Ordinances, regulations or statutes in conflict with the provisions of these Regulations or inconsistent with the provisions of these Regulations are hereby repealed to the extent necessary to give these Regulations full force and effect.

12. Severability and Separability.

Should any Article, Section, Subsection, or provision of these Regulations be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the Subdivision Regulations as a whole or any part thereof other than the part so declared to be invalid or unconstitutional

13. Effective Date.

This Ordinance shall become effective on March 1, 1976.

B. Reserved.

C. Subdivision of Land Procedure and Data Requirements

1. Introduction.

The procedure for obtaining approval of a Major subdivision consists of the following three (3) steps:

- a. Sketch Plan/Preliminary Consultation and Approvals;
- b. Development Plan Review and Approvals; and
- c. Final Plat Review and Approval.
- d. With respect to the Planned Unit Development Process as outlined in the Zoning Ordinance, the Concept Plan and Exhibit approved by the Mayor and Council shall serve as the Sketch Plan for the purposes of this Ordinance.

2. Sketch Plan Review and Preliminary Consultation.

The Sketch Plan/Preliminary Consultation process is intended to provide the applicant with an opportunity to resolve problems with respect to a subdivision early in the proceedings and to make necessary modifications and revisions prior to incurring the expense of preparing formal development plans. By definition, a Minor Subdivision is exempted from this process. In addition, in certain cases where the size and complexity of the proposed development is minimal, the Planning Department may advise the applicant to proceed to the Development Plan stage at the applicant's discretion.

- a. **Pre-Application Meeting with Staff.** A pre-application meeting or preliminary consultation is designed to introduce the applicant to the City's zoning and subdivision regulations and procedures, to discuss the applicant's objectives, and if needed or desired, to schedule a site inspection.
- b. **Site Inspection.** After the pre-application meeting, a site inspection of the property may be arranged. Appropriate parties may include members of the Planning Staff, other appropriate City officials, and the Planning Commission.

The purpose of the visit is to familiarize local officials with the property's existing conditions and special features, to identify potential site design issues, and to provide an informal opportunity to discuss site design concepts; potential locations for proposed buildings and street alignments, also including the general layout of designated greenway lands and open space (if applicable). Comments made by municipal officials and staff or consultants shall be interpreted as being only suggestive. It shall be understood by all parties that no formal recommendations can be offered and no official decisions can be made at the Site Inspection. However, it is anticipated that observations will be utilized to develop a mutual understanding on the general approach for subdividing and developing the property.

- c. **Sketch Plan Submission.** The Sketch Plan diagrammatically illustrates a conceptual layout for lots, greenway lands, open space, building sites, and street alignments. It does not include hard engineering data necessary for construction. Submission of a Sketch Plan does not constitute formal filing of a plan with the City, and shall not commence the statutory review period. The Planning Commission shall review the Sketch Plan for consistency with the Policy's and Goals of the Comprehensive Plan, with the criteria contained in the Zoning Ordinance, Forest Conservation Ordinance, and with other applicable City ordinances. Their review should advise the applicant of the extent to which the proposed subdivision or land development conforms to the relevant standards of this Ordinance, and may suggest possible plan modifications that would increase its degree of conformance.

- d. **Review Elements.** The Planning Commission's review may include, but is not limited to:
 - (1) The location of all areas proposed for land disturbance (streets, foundations, yards, storm water management areas, etc.) with respect to notable features of natural or cultural significance;
 - (2) The potential for street connections with existing streets, other proposed streets, or potential developments on adjoining parcels;
 - (3) The location of proposed access points along the existing road or street network;
 - (4) The proposed building density and impervious coverage.
 - (5) The availability and capacity of water and sewer.
 - (6) Proposed public improvements; highways or other major improvements planned by public authorities for future construction on or near the tract to the extent known to developer.
 - (7) Consideration of Forest Conservation and other environmentally sensitive areas.
 - (8) Open space.
 - (9) Parking considerations.

3. **Sketch Plan Data Requirements.**

The Sketch Plan shall be drawn at a scale sufficient to be easily discernable and of a quality to allow for a proper review, typically at an appropriate scale no less than 1" = 10' nor greater than 1" = 100'. However, the entire layout and plan shall be shown at least once on a single sheet so that the proposal can be considered in the overall context of the site. The plan shall provide an adequate legend indicating clearly which features are existing and which are proposed.

- a. **Information.** Pertinent information to be shown may include:
 - (1) Approximate proposed layout, (location, alignment, width), and tentative names of streets, lots and other elements basic to the proposed use in relationship to site conditions;
 - (2) Streets on and adjacent to the tract (both existing and proposed);

- (3) One hundred- (100-) year floodplain limits and approximate location of wetlands, if any;
- (4) Significant topographic, physical, and cultural features including fields, pastures, meadows, wooded areas, significant trees, significant vegetation, steep slopes, ponds, streams, existing rights-of-way, easements, and any significant historical resources;
- (5) The limit of disturbance line in relation to the retention of existing trees proposed to be saved;
- (6) The approximate location and general description of proposed methods for sewage collection, storm drainage, water supply, storm water management and other utilities.
- (7) Show and label the City/County boundary line if appropriate;
- (8) Forest Stand Delineation and Preliminary Forest Conservation Plan.
- (9) Open space.

Every residential subdivision shall dedicate a portion of such land for the purpose of open space and recreational equipment to serve the recreational needs of the residents of the subdivision or residents of the immediate area. Such open space shall not be comprised of accumulations of leftover remnants of land on the site, but shall constitute meaningful contiguous areas of land which provide for the preservation of significant natural features, and/or provide recreational amenities. A minimum of ten percent (10%) of the gross acreage of the subdivision must be open space. This open space shall be in accordance with the standards specified in Section D, Subsection 6.c(2) of Article 4 (Zoning Ordinance) - Cluster Development - Site Design Criteria. The following criteria shall be used to determine open space requirements within a subdivision:

Maximum Percentage of Total Land Required
Gross Residential Density For Open Space*

20 Units/Acre And Greater	25%
10 Units/Acre - 19 Units/Acre	20%
6 Units/Acre - 9 Units/Acre	15%
5 Units/Acre or Less	10%

*For cluster development and Planned Unit Developments, the maximum percentage of land required for open space shall be in accordance with the respective provisions of the Zoning Ordinance.

- (10) Demonstrate an ability to meet any necessary parking requirements.

b. Planning Commission Review. The Planning Commission shall review the Sketch Plan and the findings and recommendations and any other reports pertaining to the Plan, and provide comments, recommendations, and requirements as appropriate. The Planning Commission shall approve, approve with conditions, or disapprove the Sketch Plan.

- (1) If the Planning Commission grants the conditional approval of a Sketch Plan,

- the conditions and reasons thereof shall be stated in writing.
- (2) If the Planning Commission disapproves the Sketch Plan, the reasons for disapproval shall be stated in writing and reference shall be made to the specific sections of this Ordinance and/or the Comprehensive Plan.
 - (3) If the Planning Commission approves the Sketch Plan, the applicant is authorized to proceed with the preparation of a Development Plan. Approval of a Sketch Plan shall not incur any vesting rights.

4. Development Plan Review.

The Development Plan is intended to provide detailed information sufficient for a formal review by the various municipal reviewing agencies and other authorities and is to be used as a basis for construction. Final approval for construction is determined by the Planning Commission. This Plan shall conform to the Sketch Plan. The City shall review the Plan to assess its accuracy, conformance with municipal ordinances, and likely impact upon the surrounding neighborhood, upon the natural and cultural resources on the property, and the City as a whole.

5. Development Plan Data Requirements.

The developer shall file with the submission of the Development Plan all of the construction drawings and documents to complete construction of streets, utilities, engineering data, storm drains, and storm water management facilities, together with all necessary appurtenances thereto in accordance with procedures and criteria contained in the City of Hagerstown's, Public Ways Construction Standards & Engineering Guidelines. The developer shall prepare and submit copies as required to the Department of Planning:

The Development Plan shall be drawn at a scale sufficient for review. The Development Plan may be one (1) or more sheets as necessary. However, there shall be one sheet that depicts the overall proposal. The Development Plan shall conform in general to the approved Sketch Plan, if required, and shall include the following information:

a. Drafting Standards.

- (1) Dimensions shall be in feet and decimal parts thereof.
- (2) Each sheet shall be numbered and shall show its relationship to the total number of sheets.
- (3) Where any revision is made, or when the Plan is a resubdivision of a previously approved Plan, dotted lines shall be used to show features or locations to be abandoned and solid lines to show the presently proposed features.
- (4) The Plan shall contain adequate legend so as to clearly indicate which features are existing and which are proposed.
- (5) The boundary line of the subdivision shall be shown as a solid heavy line.
- (6) An appropriate scale no less than 1" = 10' nor greater than 1" = 100'.
- (7) Text size of at least one eighth of an inch (1/8") high.

b. Existing Information.

- (1) Vicinity map drawn to a scale of not less than One (1) inch to One Thousand (1,000) feet showing the approximate relationship of the Development Plan to its general surroundings and showing the following details:
 - (a) Existing or mapped streets within one thousand (1,000) feet of the subdivision;
 - (b) Municipal boundaries within one thousand (1,000) feet of the tract.
- (2) The zoning district in which the proposed subdivision is located.
- (3) Identifying Information
 - (a) Name of subdivision; the name shall not duplicate, be the same spelling or alike in pronunciation to any other recorded subdivision.
 - (b) Location by City tax map number.
 - (c) Names and addresses of the developer and owner(s) if other than the developer.
 - (d) Certificate signed and sealed by a registered land surveyor or registered professional engineer, responsible for the survey and/or engineering computations of the Development Plan.
 - (e) Date of drawing, north point and scale.
- (4) Existing Conditions
 - (a) A boundary survey or survey of record of the property to be subdivided, and all remaining lands, including map book and page reference, locating and identifying adjacent or abutting streets (existing or platted), subdivisions, unsubdivided parcels, easements, water areas, and the like, and all visible monuments, showing all courses, distances, and area, and tie-ins to all adjacent street intersections. At a minimum, show the entire parent tract or original parcel on an index map.
 - (b) Existing contours with intervals of not more than two (2) feet. Elevations shall be based on NAVD 88 or NAVD 29 or the most current North American Vertical Datum Source of contour information and a description of Vertical reference points shall also be provided on the Development Plan.
 - (c) Location, width and names of all existing or prior platted streets or other public streets, railroad and utility rights-of-way, parks and other public open spaces, and municipal corporation lines within or adjoining the tract.
 - (d) Other conditions on the tract being subdivided including, but not necessarily limited to, watercourses, wetlands, floodplains, rock out crop areas, wooded areas and other environmentally sensitive areas and significant features.
 - (e) Utilities on and adjacent to the tract: location, size and invert elevation of existing sanitary sewerage facilities and storm drains, location and size of water mains, location of fire hydrants, utility lines and street lights. If water mains, sanitary sewers, and storm drains are not on or adjoining the tract, indicate the direction, distance to, and size of nearest water mains and sewers showing

- invert elevation of sewers to extent known to developer.
- (f) Other conditions on adjoining land within one hundred (100) feet; approximate direction and gradient of ground slope, including any embankments or retaining walls, character, location and ownership of private sewerage systems within one hundred (100) feet of the subdivision boundary, railroads, utility lines, towers and other nearby nonresidential land uses or adverse influences; owners of adjoining unplatted land; for adjoining platted land refer to subdivision Plat by name recorded.
 - (g) Proposed public improvements; highways or other major improvements planned by public authorities for future construction on or near the tract to the extent known to developer.

c. Proposed Layout.

- (1) Street Plan containing the following information:
 - (a) Location of all proposed streets in the subdivision.
 - (b) Widths of all proposed rights-of-way and proposed paving widths.
 - (c) Proposed street names.
 - (d) Plan and centerline profile of all proposed streets.
 - (e) Location of all required sidewalks and crosswalks.
 - (f) Indicate location of any on-street parking. Also include calculation of parking requirements, both on and off site.
- (2) Layout and dimension of proposed lots, including lot lines, lot numbers and block letters.
- (3) If applicable, include the number and types of units proposed, for multi-family dwellings, shopping centers, churches, industry or other non-public uses, including parking spaces, exclusive of single-family and two-family dwellings. Show the building footprints for all structures. Provide tabulated data for parking requirements.
- (4) Building setback lines.
- (5) Location and dimension of all parcels proposed to be dedicated or reserved for school sites, parks, open space used by occupants of the subdivision and for other public uses.
- (6) Identification including plan and profile of all utilities proposed within the subdivision, including the location, grade, and size of storm drains, catch basins, drainage ways and channels, sanitary sewerage facilities, pumping stations, water mains, street lights, fire hydrants and other required public facilities and improvements.
- (7) Rights-of-way proposed to be created for all access, storm drainage, and utilities purposes.

d. Specific Requirements of the Development Plan.

- (1) A Forest Conservation Plan, including the locations and means for forest retention, reforestation or afforestation.
- (2) A Landscape Plan, including locations and specifications for required street

- trees.
- (3) A final drainage area map.
 - (4) A final storm drainage plan.
 - (5) A final storm water management plan.
 - (6) A final grading plan, showing grading for all subdivision improvements, and, where applicable, mass grading.
 - (7) A final sediment control plan, if required by Soil Conservation District regulations, for the entire project area to be recorded and for any adjacent area affected by the area to be recorded, including:
 - (i) The location of forest protection measures, temporary and permanent sediment control measures and vegetative stabilization.
 - (ii) The construction sequence for providing forest protection measures and adequate sediment control measures to prevent off site drainage.
 - (8) A digital submittal of the Plan is required. It shall be in a format utilizing commonly accepted engineering practices and one accepted and approved by the City Engineer. It shall show all proposed improvements, including but not limited to, proposed grading, streets, utility lines, service locations, storm drains, building footprints, setbacks, curb locations, sidewalks, the exterior boundary of the subdivision, and all new interior lot lines. It shall be tied to the City Grid and monuments system (MD State Plane Coordinates NAD 83-epoch 1996).

6. **Development Plan Approval.**

The Planning Commission shall review the Development Plan and the findings and recommendations and any other reports pertaining to the Plan, and shall approve, approve with conditions, or disapprove the Development Plan.

- a. **In Writing, Approval.** If the Planning Commission grants the conditional approval of the Development Plan, the conditions and reasons thereof shall be stated in writing.
- b. **In Writing, Denial.** If the Planning Commission disapproves of the Development Plan, the reasons for disapproval shall be stated in writing and reference shall be made to the specific sections of this Ordinance and/or the Comprehensive Plan.
- c. **Chairman's Signature, Effective Period of Plan.** If the Planning Commission approves the Development Plan, approval of the Development Plan shall be noted by the Chairman of the Commission signing six (6) copies of said Plan. One (1) copy is to be returned to the applicant two (2) retained in the Commission's files, and three (3) to the Engineering Department. Approval of a Development Plan shall in no way constitute approval of the Final Plat. Development Plan approval shall be effective for a period of two (2) years, and such additional periods as may be specifically approved in writing by the Commission.
- d. **All Applicable Permits Required.** Approval of the Development Plan by the Commission does not constitute permission to construct Required Improvements. Appropriate permits must be obtained from the Engineering and Inspections

Department and other applicable departments and other state and federal agencies before construction may commence.

- e. **Digital Submittal Before Construction.** The digital submittal of the Development Plan as required by Section C.5.D(8) must be received prior to the issuance of construction permits. This is necessary for final house number addresses and integration into the utility infrastructure in the City's Geographic Information System (GIS).
- f. **Field Modification of Approved Improvements.** When changes or alterations of an approved Development Plan become necessary during construction, written approval of the changes shall be secured before execution of such changes. Implementing improvements that are not approved is a violation of the Ordinance, subject to enforcement and penalties. Requests for approval of changes must be submitted to the Planning Department, illustrating the proposed changes in red-line mark-ups of the approved plans. A digital submittal in accordance with Section C.5.d.(8), is also required. Changes or alterations that are not shown as such, noted and illustrated, shall not be considered approved. Submittals shall be in accordance with policies adopted by the Planning Department for required numbers of copies necessary for routing plans to affected agencies.
- g. **Administrative Approval of Minor Changes.** Changes that have little substantive impact on the overall Development Plan may be approved administratively by the Planning Department. Substantial revisions must be reviewed by the Planning Commission. The Planning Department reserves the right to require an applicant to obtain Planning Commission approval of any proposed amendment to the Development Plan.
- h. **Adequate Public Facilities.** A Development Plan shall be approved only when the Planning Commission has determined that:
 - (1) School facilities will be adequate to support and service the proposed subdivision,
 - (2) Or if an approved mitigation program is in place to satisfy any deficiencies.

As regulated under the City's Adequate Public Facilities Ordinance, as amended from time to time.

7. **Withdrawal.**

A Development Plan, upon written request of the applicant, shall be withdrawn from consideration by the Commission.

8. **Final Plat Review.**

The purpose of the Final Plat is to require formal approval by the Commission before plats for subdivisions are recorded as required by these Regulations. The Final Plat shall conform

to the approved Development Plan and shall reflect all changes required by the Commission pursuant to the Development Plan review procedure.

The Final Plat may constitute only that portion of a particular development phase of the approved Development Plan, which the developer proposes to construct and record at that time, provided that such portion conforms with all the requirements and standards of these Regulations.

- a. **Sewer Capacity Required.** A Final Plat shall be approved only when the Planning Commission has determined that sewer facilities will be adequate to support and service the proposed subdivision as regulated under the City's Sewer Capacity Allocation Program, as amended from time to time.
- b. **Digital Submission and Standards.** A digital submission of the Final Plat in a format utilizing commonly accepted engineering practices and one accepted and approved by the City Engineer shall be submitted, accompanying the final mylar. Existing, vacated, and proposed property line must be on unique layers for identification in the City's digital tax mapping system. All property line work shall be accessible on a separate layer.
- c. **City Grid and Monument System.** The work shall be tied to the City Grid and monument system (MD State Plane Coordinates NAD 83-epoch 1996). At a minimum, two field identified property corners shall have City Grid coordinates identified, preferably along an exterior line or along a city right of way, at least three hundred (300) feet apart, if feasible.

9. Final Plat Data Requirements.

The Final Plat shall show or be accompanied by the following information:

- a. **Drafting Standards.**
 - (1) Dimensions shall be in feet and decimal parts thereof, and bearings in degrees, minutes and seconds.
 - (2) An appropriate scale no less than 1" = 10' nor greater than 1" = 100'
 - (3) When more than one (1) sheet is required, an index sheet of the same size shall be submitted showing the entire subdivision drawn to scale.
 - (4) Where the Plat is a resubdivision of a previously approved Plat, dotted lines shall be used to show features or locations to be abandoned or vacated and solid lines to show the presently proposed features.
 - (5) The Plat shall contain an adequate legend so as to clearly indicate which features are existing and which are proposed.
 - (6) The boundary line of the subdivision shall be shown as a heavy line.
 - (7) The Final Plat shall be prepared by a registered land surveyor on a sheet eighteen (18) by twenty-two and three-quarters (22 3/4) inches with a one and one-half (1½) inch margin for binding along the left edge and a one-half (½) inch margin along the remaining edges, or the current requirements of

- the Office of Land Records at the Washington County Courthouse.
- (8) All linear and angular dimensions for locating the boundaries of the subdivision, lots, streets, alleys, public and private easements, shall be expressed in feet and hundredths of a foot. Angular measurements shall be expressed by bearings. All curve data shall be expressed by a curve table on the face of the Plat, each curve being tabulated and numbered to correspond with the respective numbered curves shown throughout the Plat. Dimensions, both linear and angular, shall be determined by an accurate control survey in the field which shall be checked for closure and must balance and close within an accuracy of one (1) to ten thousand (10,000). Horizontal control shall be based on the Maryland Coordinate Grid System (NAD 83 - epoch 1996) in a coordinate table located on the face of the Plat.

b. Existing Information.

- (1) Identifying Information
- (a) Name of the subdivision.
 - (b) Name and address of the owner of the land being subdivided and name and address of the developer if different from that of the owner.
 - (c) Name, address, and professional seal of the engineer or surveyor, licensed in the State of Maryland.
 - (d) Date of drawing, north point and scale.
 - (e) Location of subdivision by tax map number, election district, City and State.
 - (f) Vicinity map for the purpose of locating the site to be subdivided at a scale of not less than One Thousand (1,000) feet to the inch showing the relation of the tract to adjoining property and to all streets and municipal boundaries existing within One Thousand (1,000) feet of any part of the property proposed to be subdivided.
- (2) Existing Conditions
- (a) Complete outline survey of the property to be subdivided, showing all courses, distances, and area, and tie-ins to all adjacent street intersections. The entire parent tract must be shown and/or described on the plan or the index sheet.
 - (b) The location, name and right-of-way of each street and the locations and width of all other rights-of-ways and pavement widths.
 - (c) The location and angles of departure of adjoining property and street right-of-way lines, the names of abutting subdivisions and the names of adjoining property owners, including deed reference. The abutting subdivisions shall be identified by lot and block numbers, subdivision name, place of record or other proper designation.
 - (d) The location, size and ownership of all existing easements as defined herein, both within the subdivision and within one hundred (100) feet of the subdivision's boundaries.
 - (e) The location of any existing forest conservation easements.
 - (f) The location of any designated one hundred- (100-) year floodplain.

- (g) Show and label all existing property monumentation found.
- (h) Any appropriate building setback lines.
- (i) The appropriate zoning designations.

c. Proposed Layout.

- (1) Lot layout with lots numbered in numerical order. In tracts containing more than one (1) block, the blocks shall be lettered in alphabetical order.
- (2) Area of each lot, parcel, site or other unit shown on the Final Plat.
- (3) The names, right-of-way widths and cartway or pavement widths of all proposed streets.
- (4) Sufficient data to determine readily the location, bearing, and length of every street, lot and boundary line.
- (5) Building setback line for each street.
- (6) Location and dimensions of all parcels proposed to be dedicated or reserved for open space use as defined herein or for other public uses with the purposes indicated thereon.
- (7) The location, width, and purpose of all existing or proposed easements or rights-of-way and boundaries by bearings and dimensions.
- (8) The location and description of all markers, monuments, or other evidence found or established to determine the boundaries of the subdivision.
- (9) Private restrictions, if any, proposed to be included in deeds.
- (10) Location and description of all proposed afforestation and reforestation areas.
- (11) Clearly note or graphically show building setback lines.
- (12) Show any limited access vehicular restrictions required by the appropriate governing jurisdiction.
- (13) Maintenance responsibilities.
- (14) Parking restrictions.

10. Final Plat Certification.

The following certifications and related information shall appear on the Final Plat:

- a. Certification of Ownership and Dedication** signed and acknowledged by all parties having any record title interest in the land subdivided consenting to the preparation and recording of said Final Plat, establishing minimum building restriction lines and dedicating the following public uses: roads, streets, alleys, walks, utility and storm drainage rights-of-way, open space, and other areas approved for dedication to public use by the Commission.
- b. Certification of Accuracy** signed by a registered land surveyor or property line surveyor responsible for the survey and Final Plat with seal.
- c. Certification of the Maryland Department of Health and Mental Hygiene** signed by the Washington County Health Officer regarding the installation of water supply

and sanitary sewerage systems.

- d. **Certification signed by the City Engineer** approving the installation of streets and other improvements as defined herein in accordance with City Standards where these improvements have been completed, dedicated and accepted by the City prior to Final Plat approval.
- e. **Certification signed by the City Clerk of the City of Hagerstown** acknowledging that a performance security in the amount determined by the appropriate City official(s) has been posted with the City of Hagerstown guaranteeing completion of all improvements as defined herein in accordance with City Standards where these improvements have not been completed, dedicated and accepted by the City prior to Final Plat approval.
- f. **Certificate of Approval signed by the Chairman of the Commission** certifying that the subdivision shown on the Final Plat is in compliance with the Subdivision Regulations, Hagerstown, Maryland, and approving the Final Plat for recording with the Clerk of the Circuit Court of Washington County.
- g. **Additional Restrictions.** Any other restrictions or requirements relating to land use, height, area or bulk regulations or restrictions designed to promote the purposes of the Zoning Ordinance or Comprehensive Plan as determined by the Commission.
- h. **Covenants and Easements.** Protective covenants and easements, if any, in form for recording.

11. Final Plat Approval.

The Commission shall approve or disapprove the Final Plat, if all requirements of these Subdivision Regulations have been complied with within thirty (30) days after the submission thereof to the Commission; otherwise such Final Plat shall be deemed to have been approved and a certificate to that effect shall be issued by the Commission upon demand.

The applicant may waive the thirty- (30-) day limitation and consent to an extension of such period.

- a. Approval of the Final Plat shall be noted by the signing of the Certificate of Approval by the Chairman of the Commission.
- b. If the Commission disapproves the Final Plat, it shall set forth the reasons for disapproval in its records and provide the applicant with written notification of such reasons.

Every Final Plat approved by the Commission shall, by virtue of such approval, be deemed to be an amendment of or an addition to or a detail of the Comprehensive Plan and a part

thereof.

The Commission shall have the power to agree with applicant upon use, height, area or bulk requirements or restrictions which are designed to promote the purposes of the Zoning Ordinance of the City of Hagerstown. Such requirements or restrictions shall be stated upon the Final Plat prior to the approval and recording thereof and shall have the same force of law and be enforceable in the same manner and with the same sanctions and penalties and subject to the same power of amendment or repeal as though set out as part of the Zoning Ordinance and Zoning Map of the City of Hagerstown.

12. Acceptance of Required Improvements.

Approval of the Final Plat shall not be deemed to constitute or effect an acceptance by the City of any Required Improvement shown upon the Final Plat. Acceptance of such Required Improvement shall be made only by the Mayor and City Council in accordance with these Regulations and other applicable ordinances, statutes and regulations.

13. Recordation.

The Final Record Plat shall be recorded with the Land Records Division, Clerk of the Circuit Court of Washington County, and shall be a clear and legible black line print on mylar. This print shall be an exact copy of the approved Final Plat as certified by the Chairman of the Commission. The Applicant/Developer shall record the Final Plat.

- a. **Six Months to Record.** The Record Plat must be recorded with the Clerk of the Circuit Court of Washington County within six (6) months of Planning Commission approval; if not, approval of the Final Plat by the Planning Commission shall be void.
- b. **Recorded Copies.** Within five (5) working days of the date of recordation, the applicant shall submit to the Planning Department a reproducible and two (2) black line prints of the Final Plat with proof of recordation affixed thereto. Failure to provide the Department with the appropriate documentation of recording within the time period specified shall constitute a violation of this Ordinance and the applicant shall be subject to penalties as provided in Article 8, (Violations and Penalties).

14. Withdrawal.

A Final Plat, upon written request of the applicant, shall be withdrawn from consideration by the Commission.

15. Simplified Plat Procedure.

Where a Subdivision, as defined herein, is submitted, but the intent of the Subdivision is not for development purposes, a Simplified Plat may be submitted for approval by the Planning Director, or a designated staff person, without the necessity of the applicant going before the Planning Commission.

Examples of Subdivisions not for development purposes are as follows: acquisition of additional acreage solely for property enlargement, a conveyance for acquisition purposes only, readjustment of property lines and/or correction of deed discrepancies, and conveyance of an existing structure for residential purposes only. Also, the creation of a plat for the purpose of implementing a condominium regime for existing structures and/or uses (including minor improvements thereto) that do not create additional dwelling units or habitable commercial or industrial space may be processed as a simplified plat.

The Planning Commission, Planning Director, Director's Designee, or the applicant may require Commission approval as provided for in Section C.10.

a. Information. The Simplified Plat shall contain the following information:

- (1) Vicinity Plan to scale of not less than two thousand (2,000) feet to one (1) inch.
- (2) Name of subdivision.
- (3) Location of subdivision by street address, tax map number, zoning district, election district, City and State.
- (4) Area of each lot, parcel or other unit shown on the Plat.
- (5) Name and address of owner of the land and name and address of applicant, if different from that of owner.
- (6) Scale, north point, and date.
- (7) Sufficient data to readily determine the bearings and length of every lot and boundary line. Dimensions shall be given as total dimensions, corner to corner, and shall be shown in feet and hundredths of a foot. New property lines of division shall be shown and labeled as such.
- (8) Tract boundary lines, right-of-way lines of streets, easements and other rights-of-way.
- (9) Owners of adjoining land.
- (10) All existing buildings and improvements as defined herein located within the boundaries of the subdivision. The distance between any existing structure to the new property line shall be determined and labeled.

b. Certifications and Documents. Each Simplified Plat submitted to the Commission for approval shall contain or be accompanied by such certificates, affidavits, endorsements or documents as may be required by the Commission in enforcement of these Regulations.

c. Simplified Plat Approval.

- (1) The Director or Designee shall approve or disapprove a Simplified Plat, if all Subdivision Regulations have been complied with, within thirty (30) days after submission of the completed Plat. Otherwise such plat shall be deemed to have been approved and the certificate to that effect shall be issued by the Commission on demand. The grounds of disapproval of said Plat shall be stated upon the records of the Commission and the Applicant so notified in writing.

(2) Approval of the Simplified Plat shall be noted by the signing of a certificate of approval by the Chairman of the Commission.

d. Data Requirements. Data requirements outlined in Section C.9 shall apply.

16. Plat Fees.

According to the fee schedule adopted by the Mayor and Council and amended from time to time.

D. RESERVED

E. DESIGN PRINCIPLES AND STANDARDS

1. Application.

- a. Design Principles.** The subdivision plat shall conform to the principles which are generally exhibited in the Comprehensive Plan and Zoning Ordinance, and any other applicable ordinances, statutes or regulations included but not limited to the transportation element of the Comprehensive Plan.
- b. Minimum Standards.** The standards and requirements outlined herein shall be considered minimum standards and requirements for the promotion of the public health, safety, and general welfare.
- c. Remnants.** All portions of a tract being subdivided shall be taken up in lots, streets, public lands, stormwater management area, open space or other proposed uses, so that remnants and landlocked area shall not be created.

No land shall be subdivided unless there exists adequate access to the land over approved streets or roads as defined herein, or unless such access will be provided by the developer, or if such land is considered by the Commission to be unsuitable for such use by reason of flooding or improper drainage, geological structure, topography or any other feature harmful to the health, safety and general welfare of present and future residents of the City of Hagerstown.

2. Street Layout and Design.

- a. Standards.** Arrangement, character, extent, width, grade and location of all streets shall conform to the transportation element, of the Comprehensive Plan and the Public Ways Construction Standards and Engineering Guidelines; and shall be considered in their relation to existing and planned streets, topographical conditions, public convenience and safety, and appropriate relation to the proposed uses of land to be served by such streets. Any proposed intersection with a state highway will be subject to the review and approval of the State Highway Administration.
- b. Consideration of Existing Natural Features.** Street layout should consider natural and topographic features such as tree lines, hedgerows, stone walls, fence lines and watercourses. Alteration of natural, cultural, or historic site features should be kept to the minimum necessary. Any prominent natural vistas should be emphasized.
- c. Pedestrian, Transit and other Transportation.** Many streets have purposes in addition to vehicular traffic and should be designed to incorporate bicycle, pedestrian, and public transit routes.
- d. Connection to Existing Neighborhoods.** All development shall be reviewed for potential connections to new and existing neighborhoods. The overall street plan for any subdivision must provide access to the subdivision by a public street(s) connected

to the existing road system. Multiple points of egress (two or more) are recommended. Developments of fifty-one (51) to one hundred (100) units may be acceptable with one public street point of egress if an emergency access point is provided. Two or more public street access points are required where the number of dwelling units exceeds one hundred (100). Streets within new subdivisions, where possible, shall align with and connect to those of adjacent subdivisions. New streets shall interconnect within a development and with adjoining development. The overall layout shall provide for continuation or appropriate projection of existing roads or streets (constructed, recorded, or planned) in the surrounding area.

- e. **When Connectivity Cannot be Accomplished.** Where topography or other significant conditions make continuance or projection of existing streets impossible or substantially impracticable, they shall still accomplish the transportation element of the Comprehensive Plan or to any specific area transportation plan, as approved by the Commission.
- f. **Access May Be Limited to Arterial Streets.** Where subdivision abuts or contains an existing or proposed arterial street or other streets with expected arterial traffic volumes as defined by the Public Ways Construction Standards and Engineering Guidelines, the Commission may limit access from individual lots and may require local access streets, deep lots with rear service alleys, or such other treatment. All lots shall front on a public street right-of-way.
- g. **Traditional Street Design Preferred.** Preferred designs are rectilinear street layouts, with occasional diagonal elements to enhance visual interest, and appropriate traffic calming measures as necessary; and curvilinear street layouts, in response to topography. Terminal vistas of protected open space or prominent structures should be incorporated into the design layout.
- h. **Future Connection to Undeveloped Land.** Street stubs shall be constructed adjacent to undeveloped land to provide for future connections. Temporary easements for turnarounds shall be provided at the boundary lines and appropriate arrangements shall be made for those parts of temporary turnarounds outside of street right-of-way to revert to abutting owners at such time as the street shall be extended.
- i. **Cul-de-Sacs.** Cul-de-sacs are discouraged and shall be allowed only where topographical considerations offer no practicable alternatives for connections or through traffic. Where a cul-de-sac is unavoidable, variations to standard cul-de-sac design shall be considered; including loop lanes, crescent design, or by incorporating a planting island at the terminus. Cul-de-sac streets shall not be longer than six hundred (600) feet from the nearest intersecting street.
- j. **Railroad Crossings.** A subdivision involving new or existing streets crossing railroad tracks shall provide adequate right-of-way and slope easements, for construction of an underpass or overpass.

- k. **Limit on Number of Approaches to an Intersection.** No street intersection shall include more than four (4) street approaches.
- l. **Sidewalks.** Streets shall be bordered by sidewalks on both sides, excepting circumstances where a sidewalk on one side may be deemed sufficient, as recommended by the Engineering Department and/or Planning Department, and approved by the Planning Commission.
- m. **Street Focus.** Streets shall be the focus of buildings. All buildings will front on public streets. Reverse frontage lots are discouraged unless unique conditions exist and the Planning Commission approves an adequate landscape plan to shield the rear yards of the lots.
- n. **Street Trees.** Street trees shall be provided in accordance with Section I.2.i of this Article.
- o. **Development and Use of Alleys Encouraged.** Alleys are a predominant Hagerstown feature and the use of alleys is encouraged in new subdivisions to allow for vehicle parking to the rear of properties, to provide additional connectivity, and to improve the pedestrian orientation of primary streets by reducing or eliminating curb cuts. Alleys may be either public or private, depending upon function. Private alleys shall be constructed to City standards.
- p. **Gated Neighborhoods Prohibited.** Gated neighborhoods isolate parts of the community from others, interfere with traffic flow, create maintenance conflicts with respect to snow plowing, trash pickup and other service requirements, and are, therefore, prohibited.
- q. **Private Streets.** Private streets are prohibited.
- r. **Panhandle or Pipestem Lots.** Panhandle lots are discouraged and shall be allowed only where topographical considerations and/or existing conditions offer no practicable alternatives. The following requirements shall apply;
 - (1) Shall contain only one (1) single family dwelling unit and its uninhabited accessory structures.
 - (2) The maximum panhandle length shall be one hundred fifty (150) feet.
 - (3) The minimum panhandle width shall be twenty-five (25) feet.

Administration of these requirements may be modified in cases where there is a second frontage on another public street ROW, that meets minimum lot width standards, and the house constructed orients its front yard to the second frontage.

F. RESERVED

G. REQUIRED IMPROVEMENTS.

1. Purpose and Applicability.

- a. The purpose of this article is to delineate the Required Improvements as defined herein which shall be required of the applicant as condition for final approval.
- b. All construction shall be completed in accordance with Specifications as defined in the Department of Engineering's Public Ways Construction Standards and Engineering Guidelines or successor documents , the City of Hagerstown Zoning Ordinance, and constructed in a manner acceptable to the Commission and other applicable City departments and agencies.
- c. All Required Improvements delineated in these Regulations shall be installed and constructed by the developer who shall pay all costs involved in installation, construction, inspection, and testing.
- d. Approval of the Final Plat by the Commission does not constitute permission to construct Required Improvements. Appropriate permits must be obtained from the City Engineer and other applicable departments and agencies before construction may commence.

2. Streets and Alleys.

Streets and alleys shall be graded and surfaced in accordance with the design standards in the Department of Engineering's Public Ways: Construction Standards and Engineering Guidelines, and with Chapter 216 of the Code of the City of Hagerstown, or successor documents.

In the case of a subdivision containing lots fronting on an existing State, County, or City maintained road, the developer shall provide required right-of-way as necessary to serve the needs of such subdivision for access and traffic.

3. Street Signs and Traffic Control Devices.

Street signs and all other traffic control signs and devices shall be installed at the developer's expense in accordance with the Department of Engineering's Public Ways Construction Standards and Engineering Guidelines and with Chapter 216 of the Code of the City of Hagerstown. All street intersections on County and State roads and signage shall comply with County and State policies and ordinances, as applicable.

4. Street Lights.

Street lights shall be installed in all subdivisions. The Hagerstown Light Department, or their designee, will design and/or approve the street light system.

The developer is responsible for the purchase and installation, to approved Hagerstown Light Department specifications, of the street light system. The Hagerstown Light Department shall furnish or contract to furnish electrical power during this time, at no charge to the developer, and shall assume all operation and maintenance costs of the entire installed system, one (1) year after the City of Hagerstown assumes ownership of all streets and rights-of-way within the development. Until that ownership transpires, the developer will be responsible for all aspects of the street light system.

5. Storm Drainage Facilities.

- a. When Required.** The developer shall provide in every subdivision, storm drains, culverts, drainage ways, or other works adequate to collect and dispose of all water originating on or flowing across the property without inundating or damaging neighboring streets, roads, lots, or other properties. All systems shall be designed in accordance with specifications and comply with adopted City and state policies and ordinances, where applicable.
- b. Standards and Cost.** Storm drainage facilities shall be installed at the developer's expense in accordance with the Engineering and Inspection Department's Public Ways Construction Standards and Engineering Guidelines and with Chapter 216 of the Code of the City of Hagerstown.
- c. Location and Design Conditions.** See Section I.4 (Site Plan Standards) for locational and design limitation regarding stormwater management facilities.

6. Curbs and Gutters.

Curbs and gutters shall be built in accordance with the City's Public Ways: Construction Standards and Engineering Guidelines or successor documents.

7. Driveway Entrances and Sidewalks.

Sidewalks and driveway entrances shall be constructed in accordance with the City's Public Ways Construction Standards and Engineering Guidelines and with Chapter 216 of the Code of the City of Hagerstown. Sidewalks shall be provided on all streets. Pedestrian sidewalks and crosswalks shall be required to provide interior circulation and access to nearby schools, parks, and other community facilities in accordance with the design standards enumerated in Section E of these Regulations.

Where the Planning Commission finds that sidewalks, in addition to those required parallel to streets, would provide safe, logical and convenient routing of pedestrian traffic, such sidewalks constructed in a manner appropriate to their purpose, may be required. Sidewalk handicapped ramps shall be provided at all intersections in accordance with adopted City State, and Federal ADA standards, as applicable.

8. Sanitary Sewerage System.

Each subdivided lot, parcel, or site being created shall be connected and served by a separate sewerage line to the municipal sanitary sewerage system, (unless alternative arrangements are made by the City for the subdivision to be served by County Sanitary Sewerage System). This connection shall be located at or near the right-of-way line. However, townhouses, cluster-style development, condominium units, apartments, or commercial/industrial sites with greater than two (2) units may be served by a single line with approval of the Water and Sewer Department. Homeowner association or commercial customer documents, showing method of cost sharing, shall accompany all requests. All sanitary sewerage systems shall be designed, constructed, inspected, and tested in accordance with City standards and any other appropriate governmental regulations. Allocation of capacity at the City Wastewater Treatment Plant to the subdivision shall be made in accordance with the currently adopted Sewer Capacity Allocation Program or such successor documents or practices in accordance with City Policy.

9. Water Supply System.

Every subdivision shall be provided with a public water supply system adequate for the type of development proposed and so related to existing or potential surrounding development as to form a logical part of a coordinated system minimizing potential water supply problems for the general area.

Each subdivided lot, parcel, or site being created shall be connected and served by a separate metered connection to the municipal water system. This connection shall be located at or near the right-of-way line. However, townhouses, cluster-style development, condominium units, apartments, or commercial/industrial sites with greater than two (2) units may be served by a single line with approval of the Water and Sewer Department. Homeowner association or commercial customer documents, showing method of cost sharing, shall accompany all requests. All water supply systems shall be designed and constructed in accordance with City Standards and any other appropriate governmental regulations.

Fire hydrants shall be installed in accordance with appropriate governmental regulations.

10. Open Space - Ownership, maintenance, and control of open space shall be the responsibility of a Homeowners Association, a private conservation organization, or the City of Hagerstown, upon its acceptance of the same. The Planning Department shall review and approve any documents deemed necessary to ensure that ownership and maintenance of such open space land by a responsible homeowners association is guaranteed prior to recording of the final plat. The date of acceptance and approval of the articles of incorporation of such property owners by the State Department of Assessments and Taxation shall be noted on the final plat prior to recording.

11. Permanent Monuments.

All monuments shall be installed in accordance with Maryland State Law (real Property, Title 3, Section 108 of the Annotated Code) and shall be of concrete or stone and not less than six

(6) inches in diameter or four (4) inches square and thirty-six (36) inches long. The center shall be marked on the top by either a copper dowel, set flush with the top, three-eighths (3/8) inch in diameter and two and one-half (2 1/2) inches long or by crossed scores at least one-half (1/2) inch deep. Monuments shall be set so that the top is level with the adjoining established grade.

The corners of all lots shall be marked by galvanized or wrought iron pipe, or steel bars at least two (2) feet in length and not less than five-eighths (5/8) inch in diameter, the top of the pipe or bar to be set level with the established grade adjoining it.

12. Assurances and Guarantees.

Before the Commission shall approve the Final Plat for any subdivision, they shall ascertain that one (1) of the two (2) following requirements have been adequately met by the developer:

- a. All Required Improvements have been completed, inspected, and accepted by the Mayor and City Council in accordance with these Regulations and other applicable ordinances, statutes and regulations; or
- b. Where Required Improvements have not been completed, that acceptable assurances have been made to the City of Hagerstown guaranteeing completion of all required improvements in accordance with all appropriate regulations.

13. Performance Security.

A performance surety, as referred to in these Regulations shall be a performance bond, irrevocable letter of credit, certified check, or any other similar collateral as approved by the City Attorney and/or City Engineer or their representative. Such surety agreement shall be required by the Planning Commission as acceptable guarantee for the installation and construction of required improvements where they have not been completed prior to Final Plat approval. The amount shall be sufficient as determined by the appropriate City official(s).

The developer shall post such agreement with the City Clerk in the amount specified by the City Engineer or his representative, as may be necessary, providing acceptable guarantee to the City of Hagerstown that all Required Improvements shall be constructed in accordance with all appropriate regulations, necessary permits, and approved plans.

Specifically, the developer shall be required in posting the Performance Security to cover the following items:

- a. To construct and install or cause to be constructed and installed at his own expense, all streets, curbs, sidewalks, fire hydrants, drainage facilities, street signs, monuments, water and sewerage facilities, street lights and other Required Improvements in strict accordance with the Development Plan, as approved, and in strict accordance with design standards and applicable regulations.

- b. To maintain at his own cost said streets, curbs, sidewalks, fire hydrants, drainage facilities, street signs, monuments, water and sewerage facilities, and other Required Improvements, until the same are accepted by the Mayor and City Council.
- c. To post an acceptable Performance Surety to remain in effect until acceptance of Required Improvements by the Mayor and City Council for the purpose of assuring satisfactory construction.
- d. Upon installation of the required improvements, as provided in the developer agreement, the developer may request the City to inspect the improvements prior to the release of surety. The developer's agreement regarding the installation of improvements may provide that the developer may be partially released from the requirements of the developer's agreement upon partial completion of the work upon satisfactory inspection.

14. Public Acceptance of Required Improvements and Dedications.

The installation of Required Improvements, in accordance with the terms of these Subdivision Regulations, shall in no way be construed as acceptance by the City or an acceptance of an offer of dedication. Same shall be considered only as an offer of dedication until formally accepted by the Mayor and City Council.

All offers of dedication of rights-of-way, streets, alleys, open spaces, public area, or any other matter of whatsoever nature or kind shall be considered only an offer to dedicate and shall in no way be considered accepted by the City until action is taken in the manner prescribed by law.

a. Manner of Acceptance of Dedication.

All offers of dedication to the City of any Required Improvements, as set forth herein, shall only be considered accepted after all the following procedures have been completed:

- (1) Upon completion of all construction within the existing and proposed rights-of-way and on the Developer's request, the Engineering and Inspections Department shall make a final inspection.
- (2) The developer shall prepare and submit as-built plans based on Engineering Department Direction and policies. As built plans shall consist of the original construction plans modified to show all differences between designed and constructed grades, dimensions and other features. The as-built plans shall also be accompanied with an AutoCAD file in the version specified by the Engineering and Inspections Department.
- (3) Upon notification that the project has passed final inspection, the Developer shall cause the following documents to be delivered to the City Engineer: deeds to the streets, including the rights of way in fee simple, maintenance security, payment of signs, and proof of recordation of the associated subdivision plats.

- (4) An offer of dedication has been made on the appropriate plat;
- (5) Acceptance of same by a formal resolution of the Mayor and City Council;
- (6) Conveyance to the City of the interest in question by applicable deed, or other instrument in writing with proper designation and description of same, and of specific reference to the formal acceptance;
- (7) The signature of the Mayor affixed thereon showing formal acceptance; and
- (8) The resale and deed of dedication or other applicable instructions be received and recorded among the Land Records of the Clerk of Circuit Court for Washington County, Maryland.

After the date of adoption, under no circumstances shall implied acceptance of an offer of dedication be recognized by the City except as set forth herein.

- b. The City will endeavor to act upon dedication within sixty (60) days of said formal offer, provided the applicant furnishes the necessary dedication, in the proper form, subject to approval by the City Attorney.
- c. A rejection of an offer of dedication shall not preclude re-application or re-offer to dedication either immediately or at any later date.
- d. The maintenance guarantee, amounting to 20% of the Performance Security previously established, shall be, but not limited to performance bonds, surety agreement, escrow agreements, irrevocable letter of credit, or any other similar collateral or surety agreements. The maintenance security shall remain in effect for a maintenance period of One (1) year following acceptance of Required Improvements by the Mayor and City Council for the purpose of assuring satisfactory construction.

15. Release of Performance Security.

The Performance Security or other sureties established in accordance with the provisions of these Regulations shall be released by the City of Hagerstown when the City Engineer certifies that the requirements set forth therein have been met and when the Required Improvements and offers to dedicate have been accepted by the City in accordance with Section 14.a above.

H. RESERVED

I. SITE PLAN STANDARDS

- 1. Site Plan Information Requirements.** The site plan format and informational requirements for applications two thousand five hundred (2,500) square feet or greater are as follows; however, for applications less than two thousand five hundred (2,500) square feet, some informational requirements may be waived at the discretion of the Planning Director or designee:
- a. Vicinity map showing relationship to surroundings, including existing, proposed, or mapped streets within one thousand (1,000) feet and municipal boundaries within one thousand (1,000) feet of the tract.
 - b. Each sheet numbered and the relationship shown to total number of sheets.
 - c. Dimensions in feet and decimal parts.
 - d. North arrow.
 - e. Boundary survey or survey of record of the property showing courses, distances and area. Property boundary lines shown as
"_____ - - _____".
 - f. Detailed plans shall be drawn at a scale of one (1) inch equals twenty (20) feet. Site plans greater than three (3) acres shall be drawn at a scale of one (1) inch equals fifty (50) feet or one (1) inch equals one hundred (100) feet and may be of one (1) or as many sheets as necessary.
 - g. Conditions of concern, for example, water courses, marshes, wooded areas, floodplains, rock outcrops or other environmentally sensitive features.
 - h. Existing contours with intervals not more than five (5) feet where the slope is ten (10%) per cent or greater and not more than two (2) feet where the slope is less than ten (10%) per cent. Elevations based on United States Geological Survey or equivalent adjusted datum. (Source of contour data referenced on site plan; include a benchmark with elevation and location on the plan.)
 - i. Location, width and names of existing platted streets or other public streets, railroad and utility rights of way, parks, open space areas and municipal corporation lines within or adjoining the tract.
 - j. Proposed public improvements, highways or other major improvements planned on or near the site.
 - k. Rights of way for all drainage purposes and utilities.
 - l. All existing or proposed utilities, including location, grade and size of:

- (1) Storm drain (including invert elevations and profiles)
 - (2) Sewerage facilities (including invert elevations and profiles)
 - (3) Catch basins
 - (4) Drainage ways, channels
 - (5) Pumping stations
 - (6) Water mains
 - (7) Street lights
 - (8) Electric and telephone poles
 - (9) Overhead/underground electric, telephone and/or cable television lines
 - (10) Fire hydrants
 - (11) Include direction of, distance to and size of nearest water mains and sewers if not located on or adjacent to the site.
- m.** Conditions on adjoining lands; direction and gradient of ground slope, embankments, retaining walls, railroads and towers or other influences when identified by the applicant or Planning Staff to be of concern.
- n.** Locations of all existing or proposed buildings, structures, parking facilities and other improvements. Include a scale dimension from the property line to the proposed building. All parking facilities shall be designed in accordance with Subsection 3 of this section.
- o.** If alteration made to an existing building, structures, or other improvements, dotted lines to show features or locations to be abandoned and solid lines to show proposed features.
- p.** Building setback lines.
- q.** Signature and seal of registered land surveyor, registered professional engineer, registered architect, registered landscape architect or professional planner (AICP), responsible for the accuracy of the site plan.
- r.** Drainage calculations and certification (signed and dated by the engineer) regarding drainage.
- s.** Legend which clearly indicates existing and proposed improvements and natural features. The legend or title block must include the following information:
- (1) Zoning district
 - (2) Tax map number
 - (3) Election district
 - (4) Developer's name and address
 - (5) Owner's name and address
 - (6) Scale
 - (7) Date of drawing; date and type of revisions
 - (8) Utility symbols

- (9) Name of project
- t. Notes which identify:
 - (1) Board of Zoning Appeals' case number/approval date.
 - (2) Projected building schedule - projected start and finish dates.
 - (3) Number of parking spaces - existing, proposed and required
 - (4) Number of residential units, broken down by unit types (single family, duplex, townhouse, apartments)
 - (5) Density: Number of Dwelling Units per acre (when applicable)
- u. Location of refuse collection, exterior lighting, fencing and all pedestrian walkways and sidewalks.
- v. Landscaping plan and legend. - A landscaping plan shall be included as part of a site plan, and the improvements thereon shall be in accordance with Section I.2 of this Ordinance.
- w. If a residential development, include homeowners' association documentation when common open space and buffer areas are provided.
- x. Certificates and statements.
- y. Sedimentation and erosion control plan.
- z. The developer or engineer shall furnish the City Engineer with "As Built" Mylar reproducible drawings at the completion of the project.

2. Landscaping Plan Design Requirements.

- a. **Intent.** The applicant shall submit as part of the site plan, a comprehensive landscape master plan, identifying the location and size of both existing vegetation to be retained and proposed new vegetation, typical planting materials, the phasing of landscape installation, and planting methods.

These regulations are established to protect and enhance the landscape of the City of Hagerstown and to ensure the appropriate use of plant material in new construction. It is the intent of these regulations to preserve natural tree cover where practicable and to include new landscape plantings with development in order to:

- (1) reinforce community identity
- (2) enhance scenic views
- (3) increase building and property values
- (4) reduce stormwater runoff and prevent soil erosion
- (5) create shade and reduce radiant heat
- (6) provide a visual buffer and separation of space, and

- (7) reduce noise and shield glare, and
- (8) enhance the beautification of the City.

- b. **Applicability.** These standards shall apply to any development or redevelopment proposals requiring approval by the Planning Commission. Improvements associated with single family residences, simplified plats, and staff approved site plans are exempt.
- c. **Preservation of Existing Vegetation.** Trees and other public landscaping shall be protected by means of suitable temporary barriers during construction. The Planning Commission, upon reviewing a site plan, shall have the authority to require existing landscaping and screening which meet the minimum standards of this Ordinance to be preserved. In locations where healthy and mature shade trees currently exist, the requirements for new trees may be waived or modified, after review by the appropriate agencies, and approval by the Planning Commission. Where practicable and feasible, developers are encouraged to leave existing trees.
- d. **Reforestation and Afforestation.** Landscaping requirements, may at the review of the Planning Commission, be counted towards reforestation or afforestation requirements of the forest conservation program. The amount of the landscaped area to be credited for forest obligations shall be in accordance with Article 7.

Landscaping used to fulfill forest conservation requirements shall be included in the required construction and post construction protection and management agreements. Areas shall be protected by binding, long-term protective agreements under the same terms that apply to other reforestation or afforestation areas.

- e. **Modification of Landscape Standards.** Alternative plans may be approved when unusual topographic constraints, sight restrictions, siting requirements, preservation of existing stands of trees, preservation of specimen trees or when similar conditions prevent strict compliance with the landscape standards. Modifications to the tree cover, site landscaping and parking lot landscaping standards contained in this section may be approved when the following conditions are met to the satisfaction of the Planning Commission:
 - (1) The landscape plan meets the stated intent of this section.
 - (2) The landscape plan provides plantings of similar character, density and screening impact to those required by the standards contained in this section.
 - (3) Topography, soil, vegetation or other unique site conditions make full compliance impossible or impractical and warrant some relief from the strict adherence to the standards contained in this section.
 - (4) Space limitations, unusually shaped lots, and existing conditions on adjacent properties may justify alternative compliance for infill sites, and for improvements or redevelopment of sites, particularly in the older, established sections of the city.

f. Performance Criteria.

- (1) The Planning Department shall require, as a condition of site plan approval, a guarantee of installation of landscaping and screening as required by this Ordinance.
- (2) In order for any landscaping to fulfill the purpose for which it was established, it must be properly maintained. The owner of the property where the landscaping is required will be responsible for the maintenance of all required landscaping materials. Maintenance includes actions necessary to keep screening materials healthy, neat and orderly in appearance and free of litter and debris. All landscaped areas must be protected from damage by motor vehicles or pedestrians, which could reduce the effectiveness of the landscaping. The Planning Department shall require the replacement of trees or the repair of buffers within six (6) months if such trees or buffers die or are destroyed.
- (3) It is also recognized that land development occurs continuously and that vegetation used in landscaping or screening should be planted at certain times of the year to ensure the best chance of survival. In order to ensure compliance with this Ordinance and reduce the potential expense of replacing landscaping or screening materials that were installed in an untimely or improper fashion, the developer may provide, an adequately secured performance bond, cash bond, surety bond, or letter of credit or other security equal to one hundred (100%) percent of the cost of materials and installation. Sample forms are found in Section 17 of the City of Hagerstown's Public Ways, Construction Standards & Engineering Guidelines. However, all required landscaping and screening shall be installed within six (6) months after the issuance of an occupancy certificate. Release of surety or bond will not be granted until all landscaping shown on the approved site plan has been completed. A qualified professional, as defined in Article 4, Section S.2b(1) must submit written certification to the Planning Department that healthy plant materials were properly installed in accordance with the approved landscape plan.

g. Redevelopment. Landscape plans for redevelopment shall be consistent with the requirements of this section. The existing site shall be considered to be either the disturbed area of the new construction as shown on the proposed site plan, the area contained within a newly created subdivision related to the redevelopment, or the original parcel.

h. Parking Landscape Standards.

- (1) All surface parking facilities, greater than seven (7) spaces, shall be landscaped to the minimum requirements as outlined. Trees shall be planted by the developer as part of the Conditions of Approval, for aesthetic reasons and for summer cooling.
 - (a) At least one (1) canopy (shade) tree or two (2) understory trees for every eight (8) parking spaces or fraction thereof, located in internal

- planting islands at least eight (8) feet in width, shall be provided.
- (b) A maximum of fifteen (15) consecutive and contiguous parking spaces in a row shall be allowed without being separated by a landscaped island. For employee parking spaces in the IR or IG zoning districts, no more than twenty-five (25) parking spaces shall be permitted in a continuous row without being interrupted by a landscaped island. Each row of parking spaces shall begin and end with a landscaped island.
 - (c) In addition, every fourth row of parking spaces shall be separated by a median strip at least eight (8) feet in width for landscaping, pedestrian purposes, or combination of both. One (1) large canopy (shade) tree or two (2) understory trees shall be required every forty-five (45) feet at a minimum in this median strip. If a large canopy (shade) tree is planted in a landscaped island abutting a required buffer, such trees will be counted towards the buffer requirements.
- (2) A perimeter roadside buffer yard abutting a parking lot (between the street and parking lot) shall be required and shall be a minimum of ten (10) feet in width from the public right-of-way. In addition, all parking lots shall include a minimum ten- (10-) foot perpetually maintained natural or planted buffer yard along all adjoining property lines.
- (a) The required buffer yard shall contain at least one (1) canopy (shade) tree or two (2) understory trees for each forty (40) feet of linear road frontage. Street trees shall be credited against buffering requirements as appropriate.
 - (b) The required roadside buffer yard shall also contain evergreen shrubs, planted four (4) feet on center.
 - (c) All portions of the roadside buffer yard not planted with trees or shrubs or covered by a wall or other barrier shall be planted with grass, and/or flower beds. Landscaping and screening materials shall not obstruct the view of motorists using any road, driveway, or parking aisle.
- (3) Parking facilities abutting a structure, unless located on or within a structure, shall be separated from the exterior wall of a structure, exclusive of paved pedestrian walks or vehicular loading areas, by a planting strip at least six (6) feet in width. Composition of the planting strip shall be either (1) a combination of flower beds and shrubs where the shrubs cover a minimum of forty percent of the planting areas, or (2) a combination of trees and flower beds so that there is a minimum of one (1) tree per twenty-five (25) linear feet of building wall abutting the planting area. A combination of shrubs, trees, and flower beds is also permissible.

I. Street Trees.

- (1) All commercial, industrial, institutional, and residential development shall be required to have street trees along all public rights-of-way. This requirement does not apply to rear access lanes or alleys. Street trees shall conform to the requirements of the City of Hagerstown. Please see Plates — 010 through M-

016 for construction standards and a street tree list, and also see Section 216-10. Trees., Code of the City of Hagerstown, for the conditions applying to the installation of street trees, located and detailed in the City of Hagerstown’s Public Ways Construction Standards & Engineering Guidelines.

- (2) Street trees shall be planted by the developer as part of the Conditions of Approval. They shall be placed along each side of all streets and shall be spaced at intervals no greater than forty (40) feet along both sides of each street.
- (3) Street trees are required to be within a minimum five- (5-) foot planting strip located between the curb of the street and the sidewalk. Should there be an instance where no sidewalk is required, street trees shall still be required, within a defined street yard of at least five (5) feet in width.
- (4) Street trees shall be credited against buffering requirements as appropriate.
- (5) Understory trees may be substituted for canopy trees if, upon review with the appropriate agencies, a conflict or potential exists with overhead utility lines.

j. Buffer Landscape Standards.

Landscaped buffer yards shall be provided and perpetually maintained along all property lines in accordance with the following table, when applicable:

Proposed Use/Zoning ==>	Adjacent Zoning	All R	C1/C2	C3	C4	IR/ IG
Multi-family, duplex or townhouse development*		10	10	10	10	25
C 1, C 2 and POM		10				
C4		35				
IR and IG		25	25	25	25	

* Optional at the discretion of the Planning Commission

- (1) **Residential Buffers.** Whenever multi-family, duplex, or townhouse residential dwelling units are proposed, the Planning Commission may require screening in accordance with the following standards:
 - (a) The buffer yard shall contain two (2) canopy (shade) trees and a combination of three (3) evergreen trees and/or understory trees per one hundred (100) linear feet of buffer yard. If more than twenty (20) trees are required, no more than sixty (60%) percent shall be of any one (1) type.
 - (b) The buffer yard shall contain ten (10) shrubs per one hundred (100) linear feet of buffer yard.
- (2) **Commercial Buffers.** Within the City’s commercial zoning districts, with the exception of C3, which is the City’s core downtown zoning district, the use or development shall provide screening in accordance with the following

standards, whenever bordering a residential zone:

- (a) The buffer yard shall contain three (3) canopy (shade) trees and a combination of five (5) evergreen and/or understory trees per one hundred (100) linear feet of buffer yard, except in the C4 district where 6 canopy (shade trees and a combination of ten (10) evergreen and/or understory trees shall be required. If more than twenty (20) trees are required, no more than sixty (60%) percent shall be of any one (1) type.
- (b) The buffer yard shall contain fifteen (15) shrubs per one hundred (100) linear feet of buffer yard.

(3) **Industrial Buffers.** Within the City's industrial zoning districts, the use or development shall provide screening in accordance with the following standards, whenever bordering a commercial or residential zone:

- (a) The buffer yard shall contain six (6) canopy (shade) trees and a combination of ten (10) evergreen and/or understory trees per one hundred (100) linear feet of buffer yard. If more than twenty (20) trees are required, no more than sixty (60%) percent shall be of any one (1) type.
- (b) The buffer yard shall contain fifteen (15) shrubs per one hundred (100) linear feet of buffer yard.

(4) **Ground Cover to be Planted in Landscaping Buffers.** All portions of the buffer yards required in subsections 1 through 3 above not planted with trees or shrubs or covered by a wall or other barrier shall be planted with grass, ground cover, and/or flower beds.

(5) **Adjacent Vacant Lots.** Where vacant zoning lots are adjacent, the first zoning lot to be developed shall provide the buffer and screening required next to vacant land. At the time it is developed, if applicable, the second zoning lot shall also provide the buffer and screening required between the developed land uses. As long as the required buffer and screening is provided and maintained, a buffer may contain sidewalks, pedestrian and bicycle paths, and similar passive uses compatible with the general separation of land uses.

(6) **Buffers to be Located within Setbacks.** Where possible the landscaped buffer area should be planted within the required building setback area. In such districts where zoning setbacks permit principal structures in closer proximity to property lines, the Planning Commission may approve a narrower landscaped buffer or a relocation of landscaping elsewhere on site.

(7) **Buffers To Be Kept Out of Rights of Way and Easements.** Required buffers shall be located along the front, side, or rear lot lines nearest the adjacent streets, land uses, or zoning designations except where such lot lines are intersected by streets, access ways or utility easements. Buffers shall not be located on any portion of an existing or proposed street right-of-way. Buffers shall be permitted to intersect utility easements or run parallel with

them, but utility easements shall not be permitted to run laterally within the buffer.

- (8) **Exceptions.** Where connectivity between subdivisions is appropriate for high quality neighborhood design, the Planning Commission may reduce or waive the required buffer yard. Buffers are not required for internal property boundaries of a planned community with mixed uses but will be required to be placed at the perimeter of the project.
- (9) **Reverse Frontage Lots.** Reverse frontage lots, where the rear of the structure faces the public street, are discouraged. However, in the instance where the developer chooses to face the rear of the structure towards the street, the appropriate residential buffer requirements shall apply along the right-of-way, in addition to the requirements for street trees.
- (10) **Substitution of Fences for Landscaping.** In addition to the buffer screening required herein, and the landscaping required for off-street parking, all businesses' service, repair, processing, storage, or merchandise display conducted outside of an enclosed building shall be screened from adjacent streets and properties by means of an effective screening device of a height, not more than six (6) feet, unless a variance is granted by the Board of Zoning Appeals. Appropriate screening devices may include solid decorative brick walls, wood fences, berms, tight evergreen hedges which shall reach the necessary height within two (2) years of planting, or a combination of the above. Dumpster enclosure requirements are outlined in Public Ways Construction Standards and Engineering Guidelines, Plate M - 023.

k. Materials Type. Species shall be selected according to the following general criteria:

- (1) Cast moderate to dense shade in the summer.
- (2) Survive more than sixty (60) years.
- (3) Tolerant of pollution and direct or reflect heat.
- (4) Require little maintenance by being mechanically strong (not brittle) and insect and disease resistant.
- (5) Be able to survive two (2) years with no irrigation after establishment.
- (6) Preference given to species of native origin.
- (7) Not drop fruit, etc. on sidewalks.
- (9) Recommended canopy trees include:

sycamore	sweet gum	red maple	sugar maple	willow oak
green ash	pin oak	little leaf linden	silver linden	eastern red oak
crimean linden	shingle oak	sawtooth oak	European beech	
black oak	chestnut oak	American linden	eastern black walnut	

common hackberry	white oak	thornless locust	tulip poplar	
bur oak	Chinese scholar tree	scarlet oak	white ash	

(10) Recommended understory/evergreen trees include:

American hornbeam	Washington hawthorn	flowering dogwood	bark dogwood
American holly	leyland cypress	paperbark maple	yoshino cherry
Canada hemlock	Norway spruce	eastern red cedar	eastern white pine

Species specifically prohibited are Bradford callery pear and female ginkos.

(11) Recommended shrubs include:

Edward Goucher Abelia	Wintergreen Barberry	Japanese Greenleaf Barberry	Yews
Slender Deutzia	Southern Bush-honeysuckle	Emerald Gaiety Euonymus	Spirea
Fosters American Holly	California Privet	Olympic Fire Laurel	Arborvitae
Winter Honeysuckle	Northern Bayberry	Gnome Pyracantha	Junipers
Rutgers Pyracantha	Spring Glory Forsythia	Burkwood Viburnum	
Leatherleaf Viburnum	Old Fashioned Weigela	Butterfly bush	

I. Stormwater Management Control Facilities.

Landscaping is a critical element to improve both the function and appearance of stormwater management. Landscaping of stormwater management facilities, (ponds, retention, or detention basins), is required in all zoning districts, excepting projects in IR or IG districts where stormwater management areas are not adjacent to residential zoning or a public road. The Stormwater Design Manual, Volumes I & II (Maryland Department of the Environment) shall be utilized during the design process.

At a minimum, measured from the contour at the top of the berm, based on the perimeter length of the pond or detention area; one (1) canopy (shade) tree shall be provided for every fifty (50) feet, one (1) evergreen tree shall be provided for every forty (40) feet, and two (2) small understory trees for every fifty (50) feet.

When adjoining a public right-of-way, such facilities shall be sited to allow for street trees and screening plantings, shall be aesthetically pleasing, and shall be designed to

incorporate storm water best management practices.

If a chain link fence is utilized for security purposes, it shall be sufficiently screened by plantings.

It is recommended that planting around stormwater management areas be native vegetation. Plants that are associated with stream, pond, or wetland habitat provide an attractive character for such facilities if suited to site conditions. The plant material selected should be appropriate to the specific environmental conditions created.

It is also recommend that Low Impact Development hydrologic design, utilizing integrated management practices (IMPs), be considered as an alternative to more conventional storm water management controls. This approach utilizes a more naturalized design the more typical “end of pipe” control, leaving as many undisturbed areas as practical to reduce runoff volume and runoff rates by maximizing infiltration capacity. The design goal is to create a hydrologically functional landscape, maintaining pre-development conditions with respect to storm water runoff while enhancing the aesthetic qualities of a site.

Also see locational and design standards for stormwater management facilities in Subsection 4, below.

- 3. Parking Lot Design Standards.** Every off-street parking area shall be developed and maintained in accordance with the following requirements:
 - a.** All off-street parking areas shall be paved with a stable, dust-free surface conforming to City standards or other method approved by the City Engineer.
 - b.** Surface parking facilities shall be landscaped as specified in Section I.2.h.
 - c.** Lighting shall be provided for all parking areas which will receive night use. Such lighting shall be directed to the parking area and be shielded to prevent adverse glare on adjacent public streets. Where proposed lighted parking areas are located adjacent to a residential district or residential use, lighting shall be of minimum intensity to assure safety and security and shall be well shielded from the adjacent property.
 - d.** The periphery of off-street parking areas shall be adequately screened and landscaping shall be adequate to prevent or minimize the adverse effects of the parking lot on contiguous properties. See Section I.2.h for specific standards.
 - e.** All off-street parking areas shall be so arranged and marked as to provide for orderly, safe loading, unloading and parking of vehicles with individual parking spaces clearly defined, and directional arrows and traffic signs provided as necessary for traffic control.
 - f.** Pedestrian walkways and sidewalks shall be provided to and from all paved parking

areas and shall be designed to serve on-site principally permitted uses and accessory uses for which there is pedestrian demand. Such walkways and sidewalks shall be protected from vehicular overhang and movement by curbs or other method approved by the City Engineer.

4. Stormwater Management Facilities Location and Design Standards.

No storm water detention or retention structure shall be constructed to front on any public street right-of-way or in any required buffer areas. Exceptions may be allowed with approval of the Planning Commission if site constraints dictate location of the storm water structure in one of these areas.

If a stormwater detention or retention structure is approved for location beside a public street right-of-way or within a required buffer area, the storm water structure, including any required embankment protection zones, shall be set back from any public street right-of-way or property line by a ten- (10-) foot landscaped buffer, as prescribed in Article 5, Section I.2.h(2) and the storm water structure shall be designed for an aesthetic outcome beyond a merely utilitarian function.

5. Commercial Development Design Standards in the C-1, C-2, C-4 and POM Districts

a. Intent.

The following standards shall apply to any project or development hereinafter constructed or modified within the zoning districts described in this section. The intent of these design standards is:

- (1). to establish design standards that create highly attractive developments with plentiful greenery and orderly outdoor spaces;
- (2). to design developments and buildings which are sustainable through tenant turnover;
- (3). to minimize the visual impact of large commercial buildings and parking facilities, especially when adjacent to existing residential neighborhoods;
- (4). to improve the pedestrian experience moving within and through such developments; and
- (5). to minimize sprawl and concentrate development through the use of multi-story structures where possible. This subsection shall apply to all developments (including but not limited to stores, shopping centers, office buildings and complexes and restaurants.

b. Development, Design and Performance Standards.

Construction of new buildings, including reuse or modification or renovation of an

existing building or buildings and site improvements shall comply with the following performance standards:

Requirement	C1	C2	C4	POM
Development and Design Standards for Commercial Districts.				
(1) Location of Buildings on Site. Principal use building(s) shall be oriented toward and located near the primary public street for the purpose of reducing the visual impact of an expansive parking area between the building and public streets.		✓	✓	✓
(2) Parking. It is preferred that off-street parking spaces be located towards the sides and rear of the lot, behind any buildings and structures. In cases where parking is provided beneath an elevated structure, either underground or in parking decks, the street side portion of the building shall be available for usable office/commercial space excluding driveway and lobby areas.		✓	✓	✓
(3) Public Amenities in Shopping Centers and Office Parks. Projects containing groups of buildings to be devoted primarily to office and/or retail activities shall incorporate amenity areas into the site design. Amenity areas include, but are not limited to, public plazas, courtyards, squares or small parks on the site. Design elements to be included in the amenity areas are seating walls, benches, outdoor dining/gathering areas, decorative fountains or water features, clock towers and/or garden areas. Since the purpose of these amenity areas is to serve as pocket recreational areas and to help foster a sense of community, additional elements shall be considered, if the applicant shows the design meets the intent of this section.		✓	✓	✓
(4) Architectural Design.				
A. The facade of a building shall present a public view to the street or pedestrian corridor. For large buildings, modulation shall be incorporated in building designs to reduce overall bulk and mass, with planes of exterior walls not running in one continuous direction more than one-hundred (100) feet without an offset or setback. All rooftop equipment shall be shielded so that it is full screened from public view.		✓	✓	✓
B. The building or shopping center (including buildings located on out lots) shall be constructed of high quality natural materials finished in low reflectance, earth tone colors and finishes. Materials may include brick, wood, stone, tinted textured concrete masonry units, architectural concrete block or other material approved by the Planning Commission.		✓	✓	✓
C. Trash receptacle enclosures shall be architecturally compatible with the building(s) on site and constructed of the same building material. Non- Enclosed areas for storage of pallets, recycling, temporary seasonal merchandise shall be permanently defined and screened with walls and/or fences and/or heavy evergreen landscaping consistent with materials and landscaping used throughout the project.		✓	✓	✓

Requirement	C1	C2	C4	POM
(5) Outdoor Service and Storage. Loading docks, truck parking, outdoor storage, utility meters, HVAC equipment and other service functions shall be incorporated into the overall design of the building and landscaping so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and public streets, using materials and landscaping consistent with the rest of the project.	✓	✓	✓	✓
(6) Lighting. Lights illuminating off-street parking or loading areas shall be arranged and installed so that no material glare or direct light shall spill over into adjacent parcels. Light standards shall not exceed twenty (20) feet in height and shall be of a directional type capable of shielding the light source from direct view.	✓	✓	✓	✓
(7) Vehicle Storage. For businesses that involve the temporary storage of unregistered or damaged vehicles, an area shall be designated for such storage and screened from surrounding properties in a manner acceptable to the Planning Commission. This provision shall not apply to the Storage and display of for-sale or rent motor vehicles.		✓	✓	✓
(8) Additional Development Design Standards for Destination Retail Uses. The following standards shall be applied to Destination Retail Use developments in the C-4 District in addition to the general standards found elsewhere in this chart. <ul style="list-style-type: none"> <li data-bbox="289 1031 1097 1157">A. Height. The preferred design of a destination retail use shall be no less than two (2) complete stories. The Planning Commission may waive this requirement if the stock-in-trade of the retailer proposed to occupy the site is not conducive to a multi-story layout. <li data-bbox="289 1163 1097 1352">B. Location on Site. For the purpose of reducing the visual impact of an expansive parking area between the building and public streets, The destination retail use building(s) shall: <ul style="list-style-type: none"> <li data-bbox="386 1257 1097 1320">(a) be located as to place destination retail uses near the primary public street or, <li data-bbox="386 1325 1097 1352">(b) to the rear of a “main street” shopping center design. <li data-bbox="289 1356 1097 1545">C. Architectural Design. Public-oriented facades and the roof line of the destination retail use shopping center or building and any facade that is located within three hundred (300) feet of a residential zoning district shall be articulated and constructed with architectural elements so as to appear as a series of smaller buildings. <li data-bbox="289 1549 1097 1703">D. Main Street Design. “Main Street” shopping center layouts are preferred. When the “main street” concept is not applied, shopping centers shall be designed so that the mass of a destination retail use is masked by the presence of smaller retail and service uses along the front of the building. 			✓	✓

Requirement	C1	C2	C4	POM
<p>E. Landscaping and Pedestrian Circulation. For Destination Retail Uses, a landscaped plaza equal to 2.5% of the gross square foot area of the destination retail use shall be provided in front of that unit to serve as a visual focal point for the project. In no case shall the plaza be less than two thousand (2,000) square feet in area, and it may not be required to exceed four thousand (4,000) square feet in area. The plaza shall contain ornamental landscaping and paving, trees, benches and other amenities. The parking and circulation layout shall be designed to maximize pedestrian circulation throughout the site and to adjacent uses.</p>			✓	
<p>F. Redevelopment and Sketch Plan Requirements. For requirements for redevelopment and sketch plan requirements, see Section 6, below.</p>			✓	

Waiver of Design Provisions.

The Planning Commission may waive design provisions of this subsection, if requested in writing by the developer, when the Planning Commission is satisfied that an alternative proposed by the applicant meets the intent of this subsection. Documentation of and justification for any requested deviation from these standards shall be provided. The site plan for the proposed development and the buildings as constructed shall substantially conform with the sketch plan approved by the Planning Commission in cases where a sketch plan is required.

6. Additional Requirements for Destination Retail Uses in the C-4 District.

a. Preliminary Consultation and Sketch Plan.

A preliminary consultation shall be held between the Planning Commission and the applicant or developer of the proposed destination retail use development. The application shall be accompanied by a sketch plan prepared by a registered professional engineer, registered architect or landscape architect or registered land surveyor. The sketch plan shall be to scale and contain sufficient information to establish the identity of proposed uses, grades and general dimensions and locations of proposed structures, streets, parking areas, walkways, easements and property lines. The sketch plan shall include a layout of the proposed development of the entire site (including out lots) and preliminary sketches of the exterior treatment of the shopping center or destination retail use building.

b. Remodeling and Renovation of Existing Retail Centers.

When an existing retail center is renovated or redeveloped to permit the introduction of a destination retail use to the site, all provisions of this subsection shall apply to the renovation plans. Given the existing nature of site improvements, the Planning Commission may treat such proposed renovation with leniency when reviewing plans

submitted in accordance with this subsection.

7. Individual Site Design Within Nonconforming Subdivisions in POM Zoning Districts.

1. When a property that is located in the POM district is the subject of a development plan for subdivision that was approved prior to January 1, 2009, the design standards found in the chart in Subsection 5.b shall be applied on a lot-by-lot basis. Sites plans submitted for developments with multiple buildings on one lot shall be subject to these standards.
2. All other general design guidelines relating to materials, outdoor uses, location of parking and other standards shall continue to apply.

CERTIFICATIONS

FINAL PLAT CERTIFICATIONS

The following certifications and related information shall appear on the Final Plat:

1. CERTIFICATION OF INDIVIDUALS OF OWNERSHIP AND DEDICATION

I (We) do hereby certify, for ourselves and our personal representatives, heirs and assigns, that I (We) are the legal and true owner(s) of the property shown and described on this plat, and that I (We) hereby adopt the plan of subdivision shown hereon, hereby establish the minimum building restriction lines shown hereon, hereby dedicates to public use all utility and drainage easement areas and alley rights of way, hereby agree to keep open all spaces and recreation areas shown hereon and hereby agree that said dedications shall not impose any responsibility on the City of Hagerstown regarding the subjects of such dedications until legal acceptance thereof by said City.

I (We) hereby reserve the fee simple title to the land underlying said easements, rights of way, open spaces and recreation areas. I (We) hereby agree to convey the fee simple title for all public street rights of way to the City, without consideration, upon request.

There are no suits, actions at law, leases, liens, mortgages, trusts, easement or rights of way affecting the property included in this plan of subdivision except the following:

And all parties having an interest therein have hereunto affixed their signatures, including their assent to the plan of subdivision.

This Certification of Ownership and Dedication of dedication shall be binding upon my (our) grantees, assigns, successors, heirs, and personal representatives and all parties and interests thereto have hereunto affixed their signatures indicating their assent to this Plan of Subdivision.

WITNESS our hands and seals this ____ day of _____, 20__.

WITNESS: _____(SEAL)
_____(SEAL)
Owners

2. CERTIFICATION OF ENTITIES OF OWNERSHIP AND DEDICATION

_____ herein after called "entity" by _____
its duly authorized _____ does hereby certify, that the entity is
the legal and true owner of the property shown and described on this plat and that it hereby
adopts the plan of subdivision shown hereon, hereby establish the minimum building restriction
lines shown hereon, hereby dedicates to public use all utility and drainage easement areas and
alley rights of way, hereby agrees to keep open all spaces and recreation areas shown hereon
and hereby agree that said dedications shall not impose any responsibility on the City of
Hagerstown regarding the subjects of such dedications until legal acceptance thereof by said
City.

This entity hereby reserves the fee simple title to the land underlying said easements, rights of
way, open spaces and recreation areas. This entity hereby agrees to convey the fee simple title
for all public street rights of way to the City, without consideration, upon request.

There are no suits, actions at law, leases, liens, mortgages, trusts, easement or rights of way
affecting the property included in this plan of subdivision except the following:

And all parties having an interest therein have hereunto affixed their signatures, including their
assent to the plan of subdivision.

This Certification of Ownership and Dedication of dedication shall be binding upon the entity's
grantees, assigns, successors, heirs, and personal representatives and all parties and interests
thereto have hereunto affixed their signatures indicating their assent to this Plan of Subdivision.

WITNESS our hands and seals this ____ day of _____, 20 ____.

WITNESS: _____(SEAL)

_____ (SEAL)

Owners

3.

CERTIFICATE OF ACCURACY

I hereby certify that the plan shown and described hereon is a true and correct survey to the accuracy required by the Hagerstown Planning Commission and that the monuments have been placed as shown hereon to the specifications of the Hagerstown Subdivision Ordinance.

_____, 20____
Date

Qualified Surveyor
Maryland Registration Number

4.

CERTIFICATION OF APPROVAL OF WATER AND SEWERAGE SYSTEM

I hereby certify that the water supply and sewage disposal utility systems installed, or proposed for installation, in the subdivision plat entitled _____ fully meet the requirements of the Maryland Health Department, and are hereby approved as shown.

_____, 20____
Date

County Health Officer or
Authorized Representative

5.

CERTIFICATION OF APPROVAL OF REQUIRED IMPROVEMENTS

I hereby certify that streets and other Required Improvements have been installed in an acceptable manner and according to the specifications of the Hagerstown Subdivision Ordinance in the subdivision entitled _____.

_____, 20____
Date

City Engineer

NOTE: If the improvements have not been completed or installed, a performance bond to the Mayor and City Council is required. (Use Certification No. 6, below)

6.

CERTIFICATION OF PERFORMANCE BOND

I, _____, City Clerk, do hereby certify that a performance bond in the amount of _____ (\$_____) Dollars has been posted and is on file with the City of Hagerstown that guarantees completion of site development work, i.e., streets, water, sewers, storm drainage, etc., in accordance with City of Hagerstown standards, and that said bond is written by an approved institution and that the amount of the bond is in accordance with City Engineer’s estimate of the cost of said proposed improvements.

_____, 20____
Date

City Clerk

7.

CERTIFICATION OF JOINT RESPONSIBILITY FOR UTILITIES*

The respective owners of _____ and _____ (street or address) shall be jointly and severally responsible for any and all expenses incurred in the operation and maintenance of common building sewers and/or any other utilities in common use. It is further agreed that this shall be considered and construed as a covenant running with the land.

Owner

Owner

8.

DECLARATION OF INTENT OF SUBDIVISION*

I hereby certify that the intent of the Simplified Plat for Subdivision shown hereon is for acquisition of additional acreage for property enlargement, readjustment of property lines, and/or correction of deed discrepancies, or conveyance of an existing structure for residential purposes only and not for the development of same. Any plan for development of this land will be submitted to the Planning Commission in accordance with the rules and regulations of the City of Hagerstown.

Owner

* Required in Simplified Plats only

Owner

9.

CERTIFICATE OF APPROVAL

I do hereby certify that the Plan for Subdivision shown hereon complies with the Subdivision Ordinance for the City of Hagerstown, Maryland, with the exception of such variances, if any, as noted on this Plat and in the minutes of the Hagerstown Planning Commission and is approved for recording in the Offices of the Register of Deeds.

HAGERSTOWN PLANNING COMMISSION

_____, 20____ By: _____
Date

Void if not recorded in the Land Records Office of Washington County within 180 days of the above signature. The clerk of the Court shall not record this document more than 180 days after the above date.