

# Subtitle 24 Revision to incorporate SGT-SB 236- 8/3/2012 STAFF DRAFT 2

## Subtitle 24 Revisions DRAFT 2

### Definitions:

Section 24-101

**Remainder Agricultural Parcel**-On or after October 1, 2012 pursuant to Section 9-206 of the Environment Article a remainder parcel is created by the minor preliminary plan approval process in Sustainable Growth Tier IV and is restricted to non-residential agricultural uses in perpetuity.

**Sustainable Growth Tier** -The Tiers adopted by a local jurisdiction in accordance with Section 9-206 of the Environment Article.

### Subdivision

#### Sec. 24-103. Policy.

(c) The existing and proposed public facilities shall conform to, and be properly related to, the proposals contained in the General Plan and the amendments thereto, the capital improvement programs, and the Ten Year Water and Sewerage Plan. It is intended that these regulations shall supplement the provisions and standards contained in the Building Code, the Zoning Ordinance, the General Plan, area master plans, functional master plans, the road ordinance, capital improvement programs, and the Prince George's County Comprehensive Ten Year Water and Sewerage Plan, **and Sustainable Growth Tiers as authorized pursuant to Section 9-206 of the Environment Article.**

#### Sec. 24-105. Authority.

By authority of Article 28 of the Annotated Code of Maryland, and other applicable laws, statutes, ordinances, and regulations of the State of Maryland, the Prince George's County Planning Board of the Maryland-National Capital Park and Planning Commission does hereby exercise the power and authority to review, approve, approve with modifications or conditions, or disapprove **preliminary plans and final** plats for the subdivision of land in that part of the Regional District within Prince George's County, which show lots, blocks, or sites, with or without new streets or highways.

#### Sec. 24-107. Jurisdiction.

(b) No land shall be subdivided within the Regional District in Prince George's County until:

(1) The subdivider or his agent shall obtain approval of the preliminary **plan** and final plats by the Planning Board (or the Planning Director in the case of minor subdivisions **as determined by the Director**); and

(c) The following shall be exempt from the requirement of filing **a preliminary plan and final** plat **of subdivision**, except for any portion of land within a Chesapeake Bay Critical Area Overlay Zone, **and Sustainable Growth Tier IV pursuant to Section 9-206 of the Environment Article**, unless otherwise noted below:

(1) Partition through action of a court of competent jurisdiction unless or until development of the land is proposed for any use other than single-family detached dwellings and uses accessory thereto;

(2) The division of land and distribution, in kind, to the heirs upon the distribution of an estate unless or until development of the land is proposed for any use other than one-family detached dwellings and uses accessory thereto.

(3) A conveyance of one-half (1/2) acre or more to a son or daughter or lineal descendant or antecedent of the grantor from a tract retaining five (5) or more acres, or two (2) or more acres for property zoned R-A, provided that any lot so created shall be used solely for a

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one-family detached dwelling and uses accessory thereto and is in compliance with the provisions of the Zoning Ordinance as described in Section 24-107(d) **and (e)**. Pursuant to this exemption, a grantee may only receive one (1) conveyance from the grantor in a ten (10) year time frame. The grantor shall submit a certified list of all previous grants to any person pursuant to this exception. This exemption may not be used to divide a property that was created pursuant to the provisions for private roads and easements contained in Section 24-128(b) of this Subtitle or used to divide a property that is subject to a Regulating Plan approved in accordance with Subtitle 27A of the County Code. (4) A conveyance to a public utility for transmission line purposes;

(5) A conveyance to a governmental agency for public use;

(6) A conveyance of property used exclusively for agricultural ~~purposes-uses~~ which, at the time of conveyance, is assessed as agricultural land, **and the uses proposed result in a de minimus transportation impact as defined by the Guidelines for the Analysis of the Traffic Impact of Development Proposal;**

(7) Any subdivision of land by deed of a lot prior to January 1, 1982, provided:

(A) The proposed use is for a single-family detached dwelling and uses accessory thereto.

(B) The total development proposed for the subdivision on a property that is not subject to a Regulating Plan approved in accordance with Subtitle 27A of the County Code and does not exceed five thousand (5,000) square feet of gross floor area.

(C) The development proposed is in addition to a development in existence prior to January 1, 1990, and does not exceed five thousand (5,000) square feet of gross floor area.

(D) The development of more than five thousand (5,000) square feet of gross floor area, which constitutes at least ten percent (10%) of the total area of a site that is not subject to a Regulating Plan approved in accordance with Subtitle 27A of the County Code, has been constructed pursuant to a building permit issued on or before December 31, 1991.

(E) The proposed use is for an addition to an existing school facility for which no increase in existing enrollment is proposed.

(F) The proposed use is for an addition to an existing eleemosynary or philanthropic institution facility in the O-S Zone, consistent with an approved Special Exception.

(8) A resubdivision to correct a drafting or engineering error for property which is not the subject of a record plat;

(9) The sale or exchange of land between adjoining property owners to adjust common boundary lines, provided that no additional lots are created, for property which is not the subject of a record plat or a Regulating Plan approved in accordance with Subtitle 27A of the County Code;

(10) A conveyance resulting from foreclosure proceedings or trustees' sales pursuant to a deed of trust or mortgage, deeds in lieu of foreclosure, trustees' deeds and final decrees of foreclosure. For purposes of this Subtitle, where a property is not subject to a Regulating Plan approved in accordance with Subtitle 27A of the County Code, the execution and/or recordation of a deed of trust or mortgage shall not constitute a conveyance of property.

(11) In the Chesapeake Bay Critical Area Overlay Zone, the filing of a subdivision plat shall not be required if the land was subdivided:

(A) By any method in paragraphs 1 through 10, above, prior to October 30, 1989;

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(B) By the method in paragraph (3), provided that the land to be conveyed lies outside the Critical Area Overlay Zone;

(C) By the method in paragraph (5), provided that the conveyance restricts use of the land to public uses in perpetuity.

(12) A conveyance, by lease or sale, from a public agency for an arena (stadium). In this case, any portion of the property not conveyed by the public agency that is used for a recreational use shall also be exempt from the requirement of filing a subdivision plat. Additionally, any portion of the property that is subsequently conveyed and used for recreational purposes, other than a stadium, shall also be exempt. This exemption shall only apply to the requirement for a preliminary plat. A final plat approved pursuant to Subsection (d) shall be recorded in the Land Records of Prince George's County prior to designation of the land as a record lot.

(13) A conveyance from a church of an existing parsonage for use as a single-family dwelling, and uses accessory thereto, provided both uses comply with the minimum lot area requirements set forth in Subtitle 27.

(14) A division of land subject to an existing record plat to enable the conveyance of a lot containing an existing community building provided:

(A) The conveyance is to a nonprofit organization using the existing building for its nonprofit purposes;

(B) The building to be conveyed is the subject of a special exception for a community building and is located within an existing apartment community in the R-18 Zone;

(C) The proposed conveyance includes an adaptive reuse of a historic structure;

(D) For purposes of compliance with any requirements of the Subdivision Regulations and the Zoning Ordinance, the lot containing the apartment complex and the lot to be conveyed shall be considered as one development site in the aggregate.

(15) For any property or portion of a property fully encumbered by a perpetual conservation easement, for purposes of agricultural preservation, a conveyance of a minimum of one (1) acre, but not more than two (2) acres in the O-S Zone to a son or daughter of the grantor or an "unrestricted lot" as described in §2-513(b)(3) of the Maryland Annotated Code. This exemption shall not allow the division of any property that is within an environmental setting for a historic site.

(d) Any conveyance of property pursuant to the provisions of Subsection (c) shall not exempt the property from the provisions of the Zoning Ordinance, ~~or~~ **Subtitle 5B, or Section 9-206 of the Environment Article**. Upon application by any party contemplating a conveyance pursuant to Subsection (c), the application shall be reviewed by the Planning Board staff for compliance with the provisions of the Zoning Ordinance, **Subtitle 5B, and Section 9-206 of the Environment Article** and the application may be treated as a request for a minor **final plat of subdivision** for which no preliminary plat ~~n shall be is~~ required, ~~if the applicant so indicates and pays the required fee.~~

**(e) On or after October 1, 2012 in the Sustainable Growth Tier IV any subdivision of land for a residential or agricultural use pursuant to Subsection (c), is subject to Section 9-206 of the Environment Article and the limitations of a minor subdivision on the number of residential lots and uses, and requires a minor final plat pursuant to Sec. 24-108, prior to the division of land.**

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**Sec. 24-108. Preliminary plan exemptions.**

(a) A final plat may be filed with the Planning Director and treated as a minor **final plat subdivision** for which no preliminary plan is required in the following instances:

(1) A resubdivision of land which is the subject of a record plat in order to correct a drafting or engineering error;

(2) The incorporation of an outlot on a record plat into an adjoining lot;

(3) The sale or exchange of land between adjoining property owners to adjust common boundary lines or consolidate lots, provided that in no case shall additional lots be created and that all properties are the subject of a record plat.

(4) For the sole purpose of removing a designation that requires the provisions of Moderately Priced Dwelling Units (MPDUs), upon the payment of a fee in lieu of construction of \$5,000 per MPDU in the R-T, R-H, R-18C, or M-X-T Zones or a fee in lieu of construction of \$10,000 per MPDU in the R-80, R-55, or Comprehensive Design Zones.

(5) In the Chesapeake Bay Critical Area Overlay Zone, prior to the approval of a lot consolidation, a conservation plan shall be approved in accordance with Subtitle 5B-110. The lot consolidation shall conform to the approved Conservation Plan. The final plat shall reference the Conservation Plan and the liber/folio of the Conservation Agreement and Conservation Easement when required.

**(b) A final plat shall be filed with the Planning Director and treated as a minor final plat for which no preliminary plan is required in the following instances:**

**(1) On or after October 1, 2012 in the Sustainable Growth Tier IV any subdivision of land for a residential or agricultural use pursuant to Subsection (c), is subject to Section 9-206 of the Environment Article and the limitations of a minor subdivision on the number of residential lots and uses, and requires a minor final plat pursuant to Sec. 24-108, prior to the division of land.**

**Sec. 24-109. Text amendments**

**Sec. 24-110 Conditions**

**Sec. 24-111. Resubdivision of land.**

**Sec. 24-111. Resubdivision of land.**

(a) In any case where land has been legally subdivided according to the law in existence at the time of such subdivision and the present owner desires to change the relationships between a lot and the street shown on the record plat, or between one lot and another, action by the Planning Board shall be governed by the same procedures, rules, and regulations as for a new subdivision, except where filing a subdivision plat is optional, as provided by Section 24-107(d).

(b) In accordance with specific provisions of the Zoning Ordinance, the Planning Board may approve the resubdivision of residentially zoned land which creates new lots that may not comply with all current requirements of the Zoning Ordinance applicable to new subdivisions. Such resubdivision may only be approved for land previously subdivided in accordance with the Zoning Ordinance standards applicable at the time of the previous subdivision. Such resubdivision may be approved only in those residential zones for which the Zoning Ordinance

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specifically provides alternative minimum development standards, and only in accordance with the following requirements:

- (1) No greater number of lots shall be created;
- (2) All requirements of this Subtitle have been met including the dedication of land for parks.
- (3) A petition to vacate the previously recorded plat has been filed; and
- (4) The proposed subdivision is better than the recorded one in terms of design amenities, environmental conservation, or energy conservation.
- (5) Is not located within Sustainable Growth Tier IV**

### **Sec. 24-112. Vacation of plats.**

### **Sec. 24-113. Variations.**

(a) Where the Planning Board finds that extraordinary hardship or practical difficulties may result from strict compliance with this Subtitle and/or that the purposes of this Subtitle may be served to a greater extent by an alternative proposal, it may approve variations from these Subdivision Regulations so that substantial justice may be done and the public interest secured, provided that such variation shall not have the effect of nullifying the intent and purpose of this Subtitle **and Section 9-206 of the Environment Article**; and further provided that the Planning Board shall not approve variations unless it shall make findings based upon the evidence presented to it in each specific case that:

### **Sec. 24-114. Enforcement, violations, and penalties.**

(a) General.

(1) It shall be the duty of the Planning Director, or his designee, to bring to the attention of the County Office of Law any violations hereof or lack of compliance herewith.

(2) Building permits may be recommended for denial for the construction of any building or structure located on a lot or parcel created in violation of the provisions of this Subtitle **and Section 9-206 of the Environment Article**.

### **Sec. 24-114.01. School Planning Capacity Analysis.**

### **Sec. 24-115. General description; procedures, documents, fees.**

(a) Whenever any subdivision of land is proposed to be made, the subdivider or his agent shall file an application **for a preliminary plan** and a **final** plat of the proposed subdivision with the Planning Board.

(b) Documents shall supply sufficient information to indicate compliance with Divisions 3 through 5 of this Subtitle, and with Divisions 6, ~~and~~ 10, **and Section 9-206 of the Environment Article** when applicable.

(c) When, in the opinion of the Planning Director, insufficient information is submitted, the application may be returned to the petitioner, with his concurrence and within five (5) working days, and the official submittal date shall be deemed to be the date on which the application is accepted.

(d) The Planning Board may establish fees, by resolution, for the purpose of recovering the costs of processing applications, such as, but not limited to, reproduction, labor, and overhead.

(e) When a historic resource included on the Adopted and Approved Historic Sites and Districts Plan of Prince George's County, Maryland, is located on the subject property of a Preliminary **Plan of** Subdivision **and** Plat, except in the case of the White Farm, identified as

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Site Number 73-6 on said plan, the **preliminary plan** application and plat shall be referred to the Historic Preservation Commission as soon as practicable after filing. The Historic Preservation Commission shall submit its comments and recommendation for the record within thirty (30) calendar days after the date upon which the application was referred to it. Failure of the Historic Preservation Commission to submit a recommendation within this time period shall constitute no objection to approval of the Preliminary Subdivision Plat, as requested.

(f) Where the property proposed to be subdivided is located within a Chesapeake Bay Critical Area Overlay Zone, a Conservation Plan shall be submitted for approval by the Planning Board prior to preliminary plan of subdivision approval. Prior to its approval, the Planning Board shall find that the Conservation Plan is consistent with the provisions of Subtitle 5B **and Section 9-206 of the Environment Article**, and contains provisions sufficient to minimize adverse impacts on the environment.

(1) Minor revisions to an approved Conservation Plan may be made in accordance with the procedures set forth in Sec. 5B-110 therein.

(2) Prior to approval of a final plat for a lot consolidation, a Conservation Plan shall be approved in accordance with Subtitle 5B.

(g) Where the property is located within a Chesapeake Bay Critical Area and the Planning Board shall require such additional information from the applicant as is necessary to support specific findings to be made by the Planning Board that:

(1) The proposed development will minimize adverse impacts on water quality resulting from pollutants that are discharged from structures or conveyances or that have run-off from surrounding lands; and

(2) The applicant has identified fish, wildlife, and plant habitats which may be adversely affected by the proposed development and has designed the development so as to protect those identified habitats whose loss would substantially diminish the continued ability of populations of affected species to sustain themselves.

### **Sec. 24-116. Subdivision Review Committee.**

### **Sec. 24-117. Procedures for minor subdivisions.**

(a) Definition. In instances in which four (4) or fewer lots in a one-family residential zone are being created; **or on or after October 1, 2012 in Sustainable Growth Tier IV four or fewer residential lots, which may include remainder parcel(s) restricted to agricultural uses; or where filing subdivision a final plat is optional, or as provided in Section 24-107(d) or as provided in Section 24-108, the applicant may follow the procedure for a minor subdivision as determined by the Planning Director**, except for a conservation subdivision required in Section 24-152,

(b) Time Limitations.

**(1) Approval by the Planning Director.** Within forty (40) calendar days of submission, preliminary **plans plats** for minor subdivisions shall be approved, approved with **modifications-conditions**, or denied by the Planning Director, after receipt of comments from the Subdivision Review Committee.

**(2) Approval by the Planning Board. Such approvals are subject to the requirements of a major subdivision including mandatory action time frames, submittal, notification, and approval requirements, except as provided in (f).**

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(c) Basis for Approval. The Planning Director **or Planning Board** shall make a finding that the proposed subdivision conforms with the provisions of this Subtitle, **and if applicable Section 9-206 of the Environment Article, and Subtitle 27** as the basis for approval; provided, however, that no proposed subdivision **to be approved by the Planning Director** shall be approved under these procedures if the Planning Department representative or any representative of any agency that will require a subsequent permit, advises that the proposed subdivision is not in conformance with all pertinent laws and regulations.

(d) Appeals. The applicant may file an appeal with the Planning Board within twenty (20) calendar days after the date of the Planning Director's action. **A minor subdivision approved by the Planning Board has the same rights and shall follow the same procedures as an appeal of a major preliminary plan of subdivision.**

(e) Final Plat. If the minor subdivision preliminary plat~~n~~ is approved or approved with **modifications conditions by the Planning Director or Planning Board**, the subdivider shall proceed promptly to prepare the final plat. Unless a final plat, prepared in accordance with the approved preliminary plat~~n~~, **including any modifications**, is filed with the Planning Board within twenty-four (24) months of approval, **unless an extension is granted pursuant to Section 24-119**, the **Planning Director's** approval shall be deemed **cancelled void**.

(f) Any final plat submitted pursuant to the provisions of Subsection (e) of this Section, or Section 24-107(d), or as provided in Section 24-108 shall be approved or disapproved by the Planning Director within twenty (20) calendar days, or the Planning Director shall refer it to the Planning Board for final action within thirty (30) calendar days of acceptance of the application for processing.

**Sec. 24-118. Documents required for minor subdivisions.**

(a) The subdivider shall pay the appropriate fee and present to the Planning Director a preliminary plat~~n~~, preferably at a scale of one (1) inch equals one hundred (100) feet, showing the following information:

(7) Method of sewage disposal proposed and systems area designations in the Ten Year Water and Sewerage Plan, **and the Sustainable Growth Tier**;

**(18) Ownership description from October 1, 2012 to present in Sustainable Growth Tier IV, if necessary.**

(b) Final Plat. The subdivider shall file the final plat documents in accordance with the requirements for major subdivisions, except that the signature box shall be prepared for the Planning Director.

**Sec. 24-119. Procedures for major subdivisions**

(a) Optional Approaches. The application procedures for major, **eluster,** Comprehensive Design Zone, and optional residential design approach are the same, except to the extent that Division 6 requires additional information.

(b) Comprehensive Design Zones. For the subdivision of land in any Comprehensive Design Zone, the preliminary plat~~n~~ may be combined with the Comprehensive Design Plan and Specific Design Plan, in accordance with the provisions of Section 27-531 of the Zoning

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Ordinance. In this event, one (1) action by the Planning Board shall be sufficient to approve or disapprove the preliminary plat~~n~~, the Comprehensive Design Plan, and the Specific Design Plan. Nothing in this Subtitle or in the Zoning Ordinance shall be deemed to require a subdivider to file a single preliminary plat~~n~~ for the entire area covered by one (1) approved Comprehensive Design Plan. A preliminary plat~~n~~ for a portion of such area may be approved, provided that:

(1) It conforms to all pertinent requirements of this Subtitle and the Zoning Ordinance; and

(2) It conforms to the Comprehensive Design Plan.

(d) Preliminary **Plat-n**. The subdivider shall present a preliminary plat~~n~~ to the Planning Department, ~~accompanied by a check or money order made payable to the Maryland-National Capital Park and Planning Commission, covering the filing fee.~~

(2) Within four (4) weeks, the preliminary plat~~n~~ shall be reviewed by the Subdivision Review Committee.

~~(5) In cluster subdivision cases, the Planning Board's final action on the preliminary plan is not final for purposes of administrative and judicial review. The Board's final decision is subject to the appeal provisions in Section 24-137.~~

(6) An approved preliminary plat~~n~~ of subdivision shall remain valid for two (2) years from the date of its approval, unless an extension of the validity period is granted.

(A) Extensions of the validity of an approved preliminary plat~~n~~ may be granted by the Planning Board provided:

preliminary plat~~n~~ or any extension thereof may be granted by the Planning Board provided:

(i) Public infrastructure which was determined to be the developer's responsibility in accordance with the requirements of Section 24-122.01 and Section 24-124 has been constructed by the developer in order to accommodate all stages of the development; or

(ii) The developer has been proceeding in a diligent manner to comply with the staging plan and has been unable, through no fault of the developer, to complete development within the time frame specified; or

(iii) The staging plan cannot be met as a result of government failure to extend necessary services or infrastructure.

(8) An approved preliminary plat~~n~~ of subdivision of land within the T-D-O Zone encompassing more than fifty (50) acres owned by one person or entity shall remain valid for six (6) years from the date of its approval, unless extensions of the validity period are granted in accordance with the approved preliminary plat~~n~~, and that each final plat is submitted in proper sequence. Final plats for portions of cluster subdivisions shall provide for the appropriate open space and other public amenities shown on the preliminary plat~~n~~.

~~(3) Appeals to District Council in Cluster Subdivision Cases.~~

~~(A) Any person of record in the Planning Board case on the preliminary plan or final plat for a cluster subdivision may file an appeal with the District Council, after the Board's decision on the final plat. The appeal shall be filed with the Clerk of the Council within thirty (30) days of the date of mailing of the Planning Board's notice of final action.~~



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~~(B) In the notice of appeal, the appellant shall state all grounds for the appeal, all reasons why it is contended that the Board's action on the cluster subdivision final plat was arbitrary, capricious, unsupported by substantial evidence, or otherwise contrary to law. The appellant may claim as erroneous any action or determination made by the Planning Board in approving either the preliminary plan or the final plat for the cluster subdivision.~~

~~(C) After an appeal is filed in a cluster subdivision final plat case, the Clerk of the Council shall schedule the case for argument and give notice of the date of hearing, under the procedures applicable to oral argument in zoning cases. The Council shall hear the appeal within one hundred (100) days of its filing, and shall finally decide it or remand it to the Planning Board within sixty (60) days of the date of hearing. If the Council takes no action within sixty (60) days of the hearing, the final plat shall stand approved.~~

~~(D) If a timely appeal is filed under this Part (c) (3), no record plat may be filed or approved until the District Council decides the appeal; it is dismissed or withdrawn; or no action is taken within sixty (60) days of the hearing.~~

~~(E) At the time the Planning Board gives notice of approval of a cluster subdivision preliminary plan or final plat, the Board shall notify persons of record of their right to appeal the final plat decision to the District Council.~~

(f) Record Plat.

(1) The final plat(s) shall be signed and sealed by the surveyor and recorded among the Land Records of Prince George's County, Maryland, within one hundred eighty (180) days of:

(A) The Planning Board's notice of approval;

(B) Dismissal or withdrawal of an appeal from the Planning Board's approval, ~~or approval by Council inaction;~~ or

~~(2) (C) The District Council's notice of approval, whichever falls last.~~ Any final plat of subdivision not recorded within one hundred eighty (180) days shall no longer be valid.

~~(3) (2)~~ If the plat is signed by a Property Line Surveyor, the horizontal location of all right-of-way lines, as shown on the plat, shall be certified by either a Professional Land Surveyor or a Professional Engineer.

**Sec. 24-119.01. Informational mailing, civic association registration.**

(a) Informational mailings with applications.

(1) At least thirty (30) days before the Commission accepts an application for a preliminary plat~~n~~ of subdivision, or a sketch plan required for a conservation subdivision pursuant to Section 24-152(e), or a minor preliminary plan to be approved by the Planning Board, the applicant shall send by first class mail an informational mailing to all adjoining property owners, including owners whose properties lie directly across a street, alley, or stream. Notice to prior parties of record shall be required if the applicable case was approved within ten (10) years of filing the current preliminary plat~~n~~ of subdivision. This notice shall inform the person of record in the previous application(s) of the procedure and the necessity for becoming a person of record in the pending application in order to maintain standing to participate. The failure of the previous person of record to receive notice shall not invalidate the approval of the preliminary plat~~n~~ of subdivision. At the same time and in the same manner, the applicant shall send an informational mailing to every municipality located within one (1) mile of the

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applicant's property and to all civic associations registered with the Commission for the area which includes the property.

(2) The applicant shall send informational mailings to previous persons of record for the following types of applications: Preliminary Platns of Subdivision, including, **a minor preliminary plan to be approved by the Planning Board**, Sketch Plans for Conservation Subdivisions, Zoning Map Amendments, Comprehensive and Specific Design Plans, Conceptual and Detailed Site Plans, Special Exceptions and Revisions of Site Plans for Special Exceptions, Special Permits, Variances and Chesapeake Bay Critical Area Conservation Plans filed in conjunction with other applications requiring public hearings by the Planning Board or District Council, Nonconforming Use Certifications, Departures from Sign or Design Standards, and Departures from the required number of Parking and Loading Spaces. It applies to private applications to amend those zones, plans permits, and departures; to amend the M-U-T-C, T-D-O, or D-D-O Zone; to approve or amend the M-U-I Zone; and to amend conditions imposed by the Planning Board or District Council. It applies to all applications to amend an Aviation Policy Area or a Chesapeake Bay Critical Area Overlay Zone. It applies to all Sectional Map Amendments where a Regulating Plan was approved in accordance with Subtitle 27A of the County Code. It does not apply to District Council initiated plans and studies for the M-U-T-C, T-D-O, or D-D-O Zone, to Special Exception revocation petitions filed by the Department of Environmental Resources, or to applications which the Planning Director is authorized to approve administratively.

### **Sec. 24-120. Documents required for major subdivisions.**

(a) Preliminary Platns. The subdivider shall present to the Planning Department a reproducible preliminary platn prepared by a registered surveyor. If the preliminary platn has been prepared by a Property Line Surveyor, the horizontal location of all right-of-way lines, as shown on the plat, shall be certified by either a Professional Land Surveyor or a Professional Engineer. Preferably, the platn shall be prepared at a scale of one (1) inch equals one hundred (100) feet. The following information shall be shown:

- (1) Subdivision name and proposed street names;
- (2) Names and addresses of record owner(s), subdivider, and surveyor;
- (3) Locations, names, and present right-of-way widths of adjacent streets, alleys, or public ways;
- (4) Location and names of adjacent subdivisions and names of owners of adjacent acreage;
- (5) Width and locations of all existing or proposed easements;
- (6) Lot lines with approximate dimensions;
- (7) Method of sewage disposal proposed, and systems area designations in the Ten Year Water and Sewerage Plan **and designation within the Sustainable Growth Tier**;
- (8) An approved stormwater management concept plan or indication that an application for such approval has been filed with the Department of Environmental Resources or the municipality having approval authority;

(26) Such additional information as may be needed to show compliance with this Subtitle, **Subtitle 27, and Section 9-206 of the Environment Article**.

- (b) Final Plat.

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**(M) Restriction on the further subdivision of land and land use, in conformance with the Sustainable Growth Act Section 9-206 of the Environment Article if applicable.**

**Sec. 24-121. Planning and Design Requirements.**

**Sec. 24-122. Public facilities requirements.**

**Sec. 24-122.01. Adequacy of public facilities.**

(a) The Planning Board may not approve a **preliminary plan** or **final subdivision** plat if it finds that adequate public facilities do not exist or are not programmed for the area within which the proposed subdivision is located, as defined in the "Guidelines for the Mitigation of Adequate Public Facilities: Public Safety Infrastructure" and "Guidelines for the Analysis of the Traffic Impact of Development Proposals." The Planning Board shall require adequate public facilities, as provided in this Section and in Division 4 of this Subtitle.

(b) Water and sewerage.

(1) The location of the property within the appropriate service area of the Ten Year Water and Sewerage Plan is deemed sufficient evidence of the immediate or planned availability of public water and sewerage for preliminary **plan** or final plat approval; **and**

**(2) On or after October 1, 2012 pursuant to the Sustainable Growth Act Section 9-206 of the Environment Article the following provisions apply to residential subdivisions:**

**(i) Tier I All lots shall be served by public sewer.**

**(ii) Tier II All lots shall be served by public sewer; or if the subdivision is a minor subdivision it may be served by on-site sewer disposal systems.**

**(iii) Tier III All lots shall be served by on-site sewer disposal systems.**

**(iv) Tier IV All lots in a minor subdivision shall be served by on-site sewer disposal systems. A residential major subdivision served by on-site sewer disposal systems is not permitted.**

**Sec. 24-122.02. School Facilities Tests.**

**Sec. 24-123. General requirements. Transportation Circulation**

**Sec. 24-124. Adequate roads required**

**Sec. 24-125. Commercial and industrial subdivisions.**

**Sec. 24-126. Topography and drainage.**

**Sec. 24-127. Secondary rural roads.**

**Sec. 24-128. Private roads and easements.**

(a) No subdivision plat or plan of development (however designated) shall be approved that provides for a private road, right-of-way, or easement as the means of vehicular access to any lot, and no building permit shall be issued for the construction of any building in a subdivision unless such building is to be located on a lot or parcel of land having frontage on and direct vehicular access to a public street, except as hereinafter provided.

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(b) The Planning Board may approve plats and plans of development containing private roads, rights-of-way, alleys, and/or easements under the following conditions:

(1) In the O-S, R-A, R-E, and R-R Zones, a private right-of-way easement may be deemed adequate by the Planning Board if no more than four (4) lots are to be served by the easement, or in sustainable growth Tier IV no more than four lots and a **remainder agricultural parcel, and if shown to be in conformance with subject to** the following criteria:

(A) Such easement shall have a minimum right-of-way width of twenty-two (22) feet connecting the lots to a public road;

(B) All lots served by such easement shall have a minimum net lot area of two (2) acres, as provided in Section 24-129(a) of this Subtitle; and

(C) The use of such lots shall be restricted to one-family dwellings or agricultural **purposes uses.**

**(D) The right-of-way easement is adequate to serve the proposed uses pursuant to Section 24-124.**

(2) In any residential zone, a private right-of-way easement with a minimum right-of-way width of twenty-two (22) feet may be deemed adequate by the Planning Board to connect any publicly-owned and operated park to a public road.

**Sec. 24-129. One hundred (100) year floodplain.**

**Sec. 24-130. Streams, wetland, and water quality protection and stormwater management.**

**Sec. 24-131. Unsafe land.**

**Sec. 24-132. Woodland Wildlife...**

**Sec. 24-133. Grading**

**Sec. 24-134. Mandatory dedication of parkland.**

**Sec. 24-135. Fee in lieu**

**Sec. 24-135.01 Historic preservation**

**Sec. 24-135.02 Cemeteries**

**Division 6 Relates to optional approaches**

**Division 7 Reservations**

**Division 9 Development Review Districts**

**Division 10 CBCA**

**Division 11 Conservation Subdivision**

END