

COUNTY COMMISSIONERS OF CHARLES COUNTY, MARYLAND

2013 Legislative Session

Definition Clarifications

Legislative Day #\_\_\_

BILL NO. 2013-03

Introduced by: Charles County Planning Division

Date Introduced: 01 / 22 / 2013

Public Hearing: 02 / 26 / 2013

Commissioners Action: 04 / 03 / 2013      Enact\_\_\_\_\_

Commissioner Votes: CQK: Y, RC: Y, KR: Y, DD: Y BR: Y

Pass/Fail: Pass

Effective Date: 04 / 13 / 2013 12:01 a.m.

Remarks: Revision #15

COUNTY COMMISSIONERS OF CHARLES COUNTY, MARYLAND

Subdivision Regulations

2013 Legislative Session

Bill No. 2013-03

Chapter. No. 278

Introduced by Charles County Planning Division

Date of Introduction 01/22/2013

**BILL**

1 AN ACT concerning:

2 Subdivision types, definitions and rights-of-ways.

3  
4 FOR the purpose of:

5 Clarifying subdivision types and definitions.

6  
7 BY repealing and enacting with amendments:

8  
9 Chapter 278- Subdivision Regulations

10 Article II, Section 12: Definition of Terms (Lot)

11 *Code of Charles County, Maryland*

12 May 11, 2007 Edition

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14 Chapter 278- Subdivision Regulations

15 Article III, Section 17(b)

16 *Code of Charles County, Maryland*

17 May 11, 2007 Edition

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19 Chapter 278- Subdivision Regulations

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Article III, Section 18: Resubdivision of Lots  
*Code of Charles County, Maryland*  
May 11, 2007 Edition

Chapter 278- Subdivision Regulations  
Article V, Section 46(c): Lot Frontage  
*Code of Charles County, Maryland*  
May 11, 2007 Edition

Chapter 278- Subdivision Regulations  
Article V, Section 46(j): Residue  
*Code of Charles County, Maryland*  
May 11, 2007 Edition

Chapter 278- Subdivision Regulations  
Article V, Section 46(n): Outlots  
*Code of Charles County, Maryland*  
May 11, 2007 Edition

BY adding:

Chapter 278- Subdivision Regulations  
Article II, Section 12: Definition of Terms (Parcel or Tract)  
*Code of Charles County, Maryland*  
May 11, 2007 Edition

SECTION 1. BE IT ENACTED BY THE COUNTY COMMISSIONERS OF CHARLES COUNTY, MARYLAND, that the Laws of Charles County, Maryland read as follows:

1 § 278-12: Definition of Terms  
2

3 Lot. [A parcel of land whose] **LAND FOR WHICH THE** boundaries have  
4 been established by a recorded deed or a recorded subdivision plat filed among  
5 the land records of the County[,]. [but not including land identified on any plat  
6 as an outlot.]  
7

8 If a public body or any authority with the power of eminent domain condemns,  
9 purchases, or otherwise obtains fee simple title to a strip of land cutting across a  
10 parcel of land otherwise characterized as a lot by this definition, and the interest  
11 thus obtained for the road so created is such as effectively to prevent the use of  
12 this parcel as one lot, then the land on either side of this strip shall constitute a  
13 separate lot.  
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15 The [Zoning Officer] **PLANNING DIRECTOR** and the owner of two or more  
16 contiguous lots may agree to regard the lots as one lot if necessary or convenient  
17 to comply with any of the requirements of these regulations.  
18

19 **PARCEL OR TRACT. LAND FOR WHICH THE BOUNDARIES HAVE**  
20 **BEEN ESTABLISHED BY A RECORDED DEED OR PLAT AND MAY**  
21 **BE CONSIDERED FOR FURTHER SUBDIVISION PROVIDED THAT**  
22 **ADEQUATE ACREAGE EXISTS TO COMPLY WITH THE MINIMUM**  
23 **DEVELOPMENT AREAS OF THE PERTINENT ZONING DISTRICT**  
24 **AND OTHERWISE QUALIFIES FOR FURTHER SUBDIVISION PER**  
25 **SECTION 16 AND 17 OF THIS CODE.**  
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27 §278-17: Minor Subdivisions  
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29 (b) The following types of subdivisions are to be classified as minor  
30 subdivisions:

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[i. Consolidation subdivision; also, plats of resubdivision. Subdivision of land involving two or more parcels or lots of any previously approved subdivision, where some or all of the interior property lines are to be removed, and where new interior property lines may be created in the same action for the purpose of enlarging existing small lots, provided that the total number of lots or parcels is not increased by the action, public or private roads are not affected by the consolidation, and the design or pattern of the previously approved subdivisions maintained. The design or pattern is established by the road, building, and yard orientation within the general area surrounding the affected property.]

[ii]I. *Public Acquisition Subdivision.* A subdivision for the purpose of platting parcels of land or easements to be acquired and constructed by the County or State Government for public purposes such as road construction, park acquisition, drainage or other similar uses shall be considered a public acquisition minor subdivision. Prior to filing of such plats, the County Commissioners shall have approved the land or easement. The platting of streets or other public facilities constructed by applicants and to be dedicated to public use are not included in this minor subdivision class.

[iii]II. *Amendments and revisions to recorded subdivision plats.* An amendment or revision to an existing recorded subdivision plat, which is not a consolidation subdivision as described in section [(b)] above] (B)IV BELOW, is considered to be a minor subdivision for the purposes of review, provided that one of the following qualifications are met. All amendments or revisions shall be formally classified as minor or major

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2 revisions by the Planning Director, based upon these regulations. Minor  
3 revisions to final plats may be approved by the Planning Director.

4 A. *Corrective amendments or revisions.* A plat which is  
5 submitted to correct obvious drafting or minor engineering errors,  
6 street name changes, clarification of notations, or other small  
7 discrepancies.

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9 B. *Easement amendments or revisions.* A plat which is  
10 submitted for the release or modification of existing easements, or  
11 the addition or deletion of new easements or users to replace an  
12 existing recorded easement. The written approval of any grantee  
13 of the easement is required at the submission of the easement plat  
14 for review. Vehicular, pedestrian, bicycle, storm water  
15 management, forest conservation or similar easements, with related  
16 construction easements, which serve to fulfill the regulatory  
17 requirements or design characteristics of a specific development  
18 are specifically excluded from this definition, and subject to  
19 subsection 31(f).

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21 C. *Administrative action amendments or revisions.* Any  
22 amendment to an existing recorded plat necessitated by official act  
23 of the County Commissioners where the Planning Commission  
24 does not share authority in the substance of the change in question  
25 and the amendment is for the purpose of clarifying and making  
26 consistent the information appearing on the recorded plat of the  
27 property.

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29 [iv] III. [Plats of Correction; also,] Boundary Line Adjustment (ALSO  
30 KNOWN AS LOT LINE ADJUSTMENT) plats. [Corrections or]

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[a]Adjustments to existing [plats] **LOTS, TRACTS OR PARCELS** of record, which do not change the number of lots, **TRACTS** or [the] parcels [identification of the affected lots or parcels, for any lot] of record, may be administratively approved by the Department of Planning and Growth Management. This shall include boundary line adjustments for the purpose of transferring land between adjoining owners, provided that public or private roads are not affected by the [consolidation] **ADJUSTMENT** and the design or pattern of the previously approved subdivision is maintained. The design or pattern is established by the road, building, and yard orientation within the general area surrounding the affected property.

**(A) A BOUNDARY LINE ADJUSTMENT PLAT SHALL NOT RESULT IN THE CREATION OF ANY ADDITIONAL LOTS, TRACTS OR PARCELS OF LAND.**

**(B) THE INTENT OF BOUNDARY LINE ADJUSTMENTS IS CONSIDERED TO BE A MECHANISM TO MAKE MINOR ADJUSTMENTS. EXAMPLES MAY INCLUDE, BUT ARE NOT LIMITED TO, BUILDING ENCROACHMENTS INTO SETBACK AREAS, PUBLIC FACILITY CONSTRUCTION, HARDSHIPS RELATED TO VARIANCES, OR MINOR CHANGES FOR ACCESS, ETC. IT IS NOT THE INTENT TO CREATE MAJOR SUBDIVISIONS FROM MULTIPLE MINOR SUBDIVISIONS.**

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IV. PLATS OF CONSOLIDATION. A PLAT THAT  
CONSOLIDATES OR COMBINES TWO OR MORE  
CONTIGUOUS LOTS ON A PREVIOUSLY RECORDED  
SUBDIVISION PLAT. THIS TYPE OF PLAT RESULTS IN  
NO ADDITIONAL LOTS BEING CREATED.

§278-18: Resubdivision of Lots

A "Plat of Resubdivision" is A REVISION TO A PREVIOUSLY RECORDED SUBDIVISION plat showing old and new property lines, monumentation, and other information which defines the original and subsequent lots of record. When any modification to a previously recorded plat is proposed which results in the division, addition, or deletion of lots or the modification of lot lines for previously recorded lots, the owner must file a "Plat of Resubdivision, which shall be approved by those agencies responsible for approving final plats and recorded by the Department of Planning and Growth Management. RESUBDIVISIONS MAY REQUIRE REVIEW AND PROCESSING AS A MINOR OR MAJOR SUBDIVISION.

§278-46: Lot and Block Standards

(c) Lot Frontage.

- i. All residential lots, other than public use lots as defined by this section, shall abut a public road, for at least the minimum frontage required for the zone in which the lot is located, unless as otherwise permitted in Section 80. All such lots shall be designed so as to provide A USABLE ALIGNMENT, PER THE CHARLES COUNTY ROAD ORDINANCE, THAT IS safe and convenient FOR vehicular and pedestrian access to the road. Lots

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for single family attached dwellings may satisfy this frontage requirement if the lots abut a road designated as a place per the *Charles County Road Ordinance*.

ii. A nonresidential lot is not required to have public road frontage, provided that the lot is created as part of a subdivision development with an internal circulation network where the lot is served by an [marginal] access road or service road, designed as an integral part of the overall development.

(j) Residue. Any area(s) of a parcel [not the subject of a development process, but] which [are] IS associated with the subdivision, and [are] IS of sufficient size and configuration to be eligible for additional subdivision [into two (2) or more lots] in the future shall be labeled as "residue". Public rights-of-way shall be extended to provide future access to all such areas, unless direct access to a public road is available to serve the residue, without environmental or topographic constraints and in a manner consistent with the *Charles County Road Ordinance*. **PRELIMINARY SUBDIVISION PLAN OR FINAL PLAT APPLICATIONS, WHICH CREATE OR MODIFY RESIDUES, SHALL ILLUSTRATE AND PROVIDE IN ACRES THE ENTIRE REMAINING RESIDUE PARCEL ON A VICINITY MAP OR AS AN INSERT.**

(n) Outlots. [Any parcel of land which is shown on a recorded plat that is not a public use lot as defined by these regulations, but which is not to be occupied by a building, or is not considered to be a buildable lot by these regulation or other regulations, shall be considered to be an outlot and is to be labeled as "Not a Buildable Lot" on subdivision plans and plats. No building permit shall be issued on any such lot so designated on a subdivision plat, unless it can be demonstrated that the lot meets the

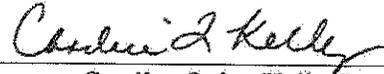
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appropriate zoning, health, safety and building requirements. In order to become eligible for a building permit, the preliminary subdivision plan and final plat shall be revised according to these regulations, prior to the issuance of any building permit.] **A PREVIOUSLY APPROVED TERM, USED FOR UNDEVELOPABLE LOTS AND PARCELS, IS NO LONGER PERMITTED. AS PART OF A SUBDIVISION APPLICATION, ANY PARCEL OF LAND THAT IS NOT CONSIDERED BUILDABLE IS TO BE CONSOLIDATED AS A LAND REMNANT WITH AN ADJOINING LOT OR DEDICATED AS OPEN SPACE. THIS PROVISION DOES NOT APPLY TO OUTLOTS RECORDED PRIOR TO (April 3, 2013).**

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SECTION 2. BE IT FURTHER ENACTED, that this Act shall take effect TEN (10) calendar days after it becomes law.

COUNTY COMMISSIONERS OF  
CHARLES COUNTY, MARYLAND

  
Candice Quinn Kelly, President

  
Reuben B. Collins, II, Esq., Vice President

  
Ken Robinson

  
Debra M. Davis, Esq.

  
Bobby Rucci

ATTEST:  
  
Denise Ferguson, Clerk

