SUBDIVISION REGULATIONS

CHARLES COUNTY, MARYLAND

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Department of Planning & Growth Management

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ARTICLE I: GENERAL PROVISIONS

Section 1: Purpose

The purpose of these subdivision regulations is to assure the reasonable and consistent development of land within Charles County in order to promote the public health, safety, and general welfare and to provide for the creation of development sites suitable for building purposes and human habitation, and to provide for open space in a harmonious environment.

Section 2: Effective Date

These regulations shall take effect on August 1, 1996.

Section 3: Authority and Territorial Limit

Under the authority of Article 66B of the *Annotated Code of Maryland*, the following regulations governing the subdivision of land are hereby established for all areas of Charles County, except those areas within incorporated towns of the County where the town has adopted regulations for the control of subdivisions.

Section 4: No Subdivision without Plat Approval

(a) No person may subdivide real property except in accordance with all of the provisions of these regulations. In particular, no person may subdivide real property unless and until a final plat of the subdivision has been approved in accordance with the provisions of these regulations and recorded with the Clerk of the Circuit Court of Charles County.

(b) The Clerk of the Circuit Court may not record a plat of any subdivision within the jurisdiction of the County unless the plat has been approved in accordance with the provisions of these regulations.

Section 5: Transfer of Land; Building Permits

No land in a subdivision created after the adoption of these regulations shall be transferred, sold, or offered for sale, nor shall a building permit be issued for a structure thereon, until a Final Plat of such subdivision shall have been recorded in accordance with these regulations and the

provisions of the *Annotated Code of Maryland*.

Section 6: Severability

It is hereby declared to be the intention of the County Commissioners that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable, and if any such section, paragraph, sentence, clause, or phrase is declared unconstitutional or otherwise invalid by any court of competent jurisdiction in a valid judgment or decree, such unconstitutionality or invalidity shall not affect any of the remaining sections, paragraphs, sentences, clauses, or phrases of these regulations since the same would have been enacted without the incorporation into these regulations of such unconstitutional or invalid section, paragraph, sentence, clause or phrase.

Section 7: Computation of Time

(a) Unless otherwise specifically provided, the time within which an act is to be done shall be computed by excluding the day of the precipitating event or decision and including the last day of the time period. If the last day is a Saturday, Sunday, or legal holiday, that day shall be excluded, and the next business day shall become the last day. When the period of time prescribed is less than (7) seven days, intervening Saturdays, Sundays, and holidays shall be excluded.

(b) Unless otherwise specifically provided, whenever a person has the right or is required to do some act within a prescribed period of less than seven (7) days after the service of a notice or other paper upon him and the notice or paper is served by mail, three (3) days shall be added to the prescribed period.

Section 8: Transition Provisions

(a) The requirements of these regulations shall not apply to a final plat submitted for County review and approval prior to the effective date of these regulations, or if the final plat is associated with a preliminary subdivision plan approved in accordance with (or pursuant to) subsection (b) below, provided that the final plat shall be prepared according to the requirements described in Sections 31 and 37, and Appendix A of these regulations.

(b) The requirements of the subdivision regulations in effect prior to these regulations shall apply to a preliminary subdivision plan approved prior to, or pending approval on, the effective date of these regulations, provided that:

> **i.** The preliminary plan shall be approved by the Planning Commission within seventy (70) days after the effective date of these regulations.

ii. Any preliminary subdivision plan approved under the requirements of the previous Subdivision Regulations which has not had final plats recorded for the entire project shall be subject to the requirements of subsection 25(i)i.E. Conformity Review, six (6) years from the effective date of these regulations.

iii. If, at the time of Conformity Review, the land area associated with more than fifty (50) percent of the dwelling units or commercial square feet previously approved with the preliminary subdivision plan has not been recorded on final plats, the portions of the preliminary subdivision plan which have not been recorded may be required to conform to these regulations.

Sections 9 and 10: Reserved

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ARTICLE II: GENERAL RULES AND DEFINITIONS

Section 11: General Rules

(a) To amplify and clarify all provisions of these regulations, the following rules shall apply:

i. Words used in the present tense shall include the future tense; words used in the singular number shall include the plural number, and the plural number shall include the singular number, unless the obvious construction of the wording indicates otherwise.

ii. The word *"shall"* is mandatory and not discretionary.

iii. The word *"should"* is considered recommended.

iv. The word *"may"* is permissive.

v. The word *"lot"* includes the words *"piece"*, *"parcel"* and *"plots"*; the word *"building"* includes all other structures of every kind regardless of similarity to buildings; and the phrase *"used for"* shall include the phrase *"arranged for"* and *"occupied for"*.

(b) The word *"person"* includes an individual, sole proprietorship, corporation, partnership, or incorporated association and any recognized legal entity.

(c) Unless it is plainly evident from the context that a different meaning is intended, in a regulation that involves two or more items, conditions, provisions, or events connected by the conjunction *"and"*, *"or"*, or *"either...or"*, the use of the conjunction is defined as follows:

i. *"And"* means that all the connected items, conditions, provisions, and events apply together and not separately.

ii. *"Or"* means that the connected items, conditions, provisions, or events apply separately or in any combination.

iii. *"Either...or"* means that the connected items, conditions, provisions, or events shall apply separately but not in combination.

(d) The words *"includes"* or *"including"* do not limit a term to the specified examples, but are intended to extend the meaning of the term to all other instances or circumstances of similar kind or character.

(e) When a term used in these regulations is defined elsewhere in the *County Code* but not in these regulations, the term shall have the meaning specified in that section of the *Code*.

(f) The word *"County"* means Charles County, Maryland; the word *"State"* means the State of Maryland.

(g) As used in these regulations, words importing the masculine gender include the feminine and neuter.

(h) Throughout these regulations, all words other than the terms specifically defined herein shall have the meaning inferred from their context, or as defined in the most recent edition of *Webster's International Dictionary*.

(i) The term *"Regulations"* or *"these regulations"* shall mean the Charles County Subdivision Regulations.

Section 12: Definition of Terms

Unless otherwise specifically provided, or unless clearly required by the context, the following words and phrases defined in this section shall have the meaning indicated when used in these regulations.

Agricultural Shared Access Easements. Access easements, not considered to be public or private streets, that serve one or more lots for the purpose of providing right of way access to a lot created from a parcel of land that is a bonafide agricultural or forestry operation. The purpose and intent of an agricultural shared access easement is to allow shared access to lots created for the owner's immediate family (as defined in Section 80(f)iii) to preserve the integrity of a farm and farm family.

Block. An area of land containing one (1) or more lots and bounded by streets providing access to the lots.

Cluster Development. A development concept which encourages and permits variations in residential developments by allowing deviation in lot size, type of dwelling, lot coverage and open space from that which is normally required in the applicable zone as further described under Article X of the Charles County *Zoning Ordinance*.

Department. The Charles County Department of Planning & Growth Management.

Development. Any activity, other than normal agricultural activity, which materially affects the existing condition or use of any land or structure including mines, landfills, or land disturbances such as grading, paving, and excavation.

Endangered Species. Any species of fish, wildlife or plants, which have been so designated by the Secretary of the Department of Natural Resources. Designation occurs when the continued existence of these species as viable components of the State's resources is determined to be in jeopardy. This includes any species determined to be an *"endangered species"* pursuant to the Federal Endangered Species Act.

Habitat of threatened and endangered species. An area which, due to its physical or biological features, provides important elements for the maintenance, expansion, and long term survival of threatened and endangered species listed in COMAR 08.03.08. This area may include breeding, feeding, resting, migratory, or overwintering areas. Physical or biological features include, but are not limited to: structure and composition of the vegetation; faunal community; soils, water chemistry and quality; and, geologic, hydrologic, and micro climatic factors. This area may need special management or protection because of its importance to conservation of the threatened or endangered species.

Land locked parcel. Any parcel which does not have frontage on a public street, or any other legally defined means of ingress and egress, either by easement or private road. Creation of such parcels is prohibited.

Lot. A parcel of land whose boundaries have been established by a recorded deed or a recorded subdivision plat filed among the land records of the County, but not including land identified on any such plat as an outlot.

If a public body or any authority with the power of eminent domain condemns, purchases, or otherwise obtains fee simple title to a strip of land cutting across a parcel of land otherwise characterized as a lot by this definition, and the interest thus obtained for the road so created is such as effectively to prevent the use of this parcel as one lot, then the land on either side of this strip shall constitute a separate lot.

The Zoning Officer and the owner of two or more contiguous lots may agree to regard the lots as one lot if necessary or convenient to comply with any of the requirements of these regulations.

Lot depth. The mean horizontal distance between the front lot line and rear lot line of a lot, measured within the lot boundaries.

Lot width. The horizontal distance between the lot lines along a straight line parallel to the front line at the minimum required building setback line.

Lot radial. Any lot located along curved roads or at the end of cul de sacs, and where the distance along the road frontage is less than the amount required per the *Zoning Ordinance* for that district. Side property lines should be radial to the curve of the road or cul de sac.

Physical Improvements. Physical improvements include all improvements required by these regulations including, but not limited to, the following:

Bridges;

Crosswalks;

Pathways, walkways, trails, bike paths, equestrian paths, and sidewalks;

Recreational facilities (including those privately maintained, such as by local Home Owners Association).

Sanitary sewers, storm water management and storm water conveyance systems including storm drains with appurtenant construction;

Street lighting and signage;

Street pavement, with or without curbs and gutters;

Street trees;

Traffic control facilities; and

Water mains and distribution lines.

Planning Commission. The Charles County Planning Commission.

Plats and Plans:

"Final Plat". The official division of land approved by the Department and recorded in the Land Records of Charles County. It is the formal plat prepared for legal recordation of land subdivision, easements, buffers, or other matters of real property ownership or responsibilities.

"Improvement Plan". Plans which depict the proposed location, size, type, grade, elevation, and other significant characteristics of each improvement as required by the department. These plans are to be complete in terms of any engineering details, studies, analyses, or any other criteria. These plans may be used for actual construction, and may include (but not be limited to), those items listed under *"Physical Improvements"* above.

"Preliminary Plan". The initial plan of subdivision, consisting of drawings and supplementary material indicating the proposed layout of the subdivision to be submitted to the Department. Engineering details are not necessarily established for this plan, but

sufficient detail is to be provided to enable reviewers to accurately analyze the plan.

"Sketch Plan" or *"Concept Plan"*. A sketch indicating to the Department the general objectives and desires of the developer in regard to the future development of the site. The basic role of the sketch plan is to present important details that may affect decisions in the development of the project and to ensure that the plan complies with the *Zoning Ordinance* and demonstrates that it incorporates good planning and land development principles.

Private Maintenance. Refers to non-government maintenance of all physical improvements not owned or maintained by the County.

Property Lines. The lines bounding a lot, as defined herein.

Public Maintenance. Refers to County government maintenance of all physical improvements not owned and maintained by individual property owner or developer.

Stream. All streams and watercourses are as defined in the Charles County *Forest Conservation Ordinance*.

Subdivide. The act of creating a subdivision of land as herein defined.

Subdivision. The division of any tract or parcel of land into two or more lots or parcels, for the purpose, whether immediate or future, of transfer of ownership or of building development.

Threatened Species. Any species of fish, wildlife, or plants, which have been designated as such by the Secretary of the Department of Natural Resources, which appear likely, within the foreseeable future, to become endangered. This includes any species determined to be a *"threatened species"* pursuant to the Federal Endangered Species Act.

Useable Lot Area. The area which is available for use on a property sufficient for the reasonable use and enjoyment of the property, unrestricted by development limitations, consistent with the housing type or use approved for the property. Examples of such restrictions or limitations include, but are not limited to: house placement on a lot in a manner in which a deck or patio may not be installed, without resulting in an encroachment into the rear yard; a single family detached home without sufficient yard and side yards; buildings restricted by permanent utility or grading easements, which would inhibit the expansion of the building or the installation of accessory uses or infrastructure consistent with the use of the building; location of Resource Protection Zones, wetlands, buffers, or Forest Conservation Easements on the property which result in undue limitations on the use of the lot.

Sections 13 through 15: Reserved

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ARTICLE III: SUBDIVISION TYPES

The following Article describes the different subdivision types, based on the nature of the subdivision in relation to overall development of the County.

Section 16: Major Subdivisions

All subdivisions of land that do not conform to the definitions established in Section 17 for minor subdivisions shall be considered as major subdivisions. Any subdivision proposing the creation of a new road for public dedication or the extension of an existing road already dedicated to the public shall automatically be considered a major subdivision. The processing and approval of all major subdivisions are to comply with Article IV of these regulations.

Section 17: Minor Subdivisions

(a) Unless as defined in subsection (b) below, a minor subdivision is a subdivision of land which does not involve any of the following:

i. The creation of more than a total of five (5) lots, from a parcel that was in existence on June 15, 1976.

ii. The creation of any new public streets proposed as a part of a private development.

iii. The extension of a public water or sewer system proposed as a part of a private development.

iv. The installation of off site drainage improvements through one or more lots to serve one or more other lots proposed as a part of a private development.

(b) The following types of subdivisions are to be classified as minor subdivisions:

i. *Consolidation subdivision*; also, *plats of resubdivision*. Subdivision of land involving two or more parcels or lots of any previously approved subdivisions, 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 subdivision is maintained. The design or pattern is established by the

road, building, and yard orientations within the general area surrounding the affected property.

ii. *Public Acquisition Subdivisions*. 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. *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 subsection (b)I. above, 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 revisions by the Planning Director, based upon these regulations. Minor revisions to final plats may be approved by the Planning Director.

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

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

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

iv. *Plats of Correction*; also, *Boundary Line Adjustment plats*. Corrections or

adjustments to existing plats of record which do not change the number of lots, or the parcel 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 and the design or pattern of the previously approved subdivision is maintained. The design or pattern is established by the road, building, and yard orientations within the general area surrounding the affected property.

Section 18: Resubdivision of Lots

A "*Plat of Resubdivision*" is a plat showing old and new property lines, monumentation, and other information which defines the original and the 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.

Sections 19 and 20: Reserved

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ARTICLE IV: PROCEDURES FOR PROCESSING SUBDIVISION APPLICATIONS

The purpose of this Article is to establish procedures to guide the action of property owners, developers, the Planning Commission, and County staff members in the preparation, review, and processing of subdivision applications in Charles County.

Section 21: Application Processing

The Deputy County Administrator for Planning and Growth Management may adopt Administrative Procedures for the processing and review of applications.

Section 22: Minor Subdivision Application Review Procedures

(a) The Planning Commission Chairman may approve minor subdivision final plats according to subsection 17(b) in accordance with the provisions of this section.

(b) The applicant for minor subdivision plat approval, before complying with subsection (c) below, may submit a sketch plan to the Planning Director for a determination of whether the approval process authorized by this section can be and should be used. The Planning Director may require the applicant to submit whatever information is necessary to make this determination, including, but not limited to, a copy of the tax map showing the real property being subdivided and all lots previously subdivided from that tract of land after June 15, 1976.

(c) Applicants for minor subdivision approval shall submit to the Planning Director a plat and other information conforming to the requirements set forth in Section 37 and Appendix A. Minor subdivisions will not be required to provide additional submittal information for critical area overlay zone analysis. The Planning Office will review the project using existing information and data as collected, compiled, and approved for the critical area plan or field survey as required. If review by the Planning Office determines that insufficient information is available to make a determination of compliance with the Critical Area Overlay Zone requirements, then the Planning Director may require the applicant to furnish the information necessary for complete review, based upon the requirements of Section 53.

(d) The Planning Director will review and comment on an application for minor subdivision plat approval as set forth in the final plat procedures adopted by the Department of Planning and Growth Management. The Planning Director or the applicant may at any time refer the application to the major subdivision approval process as described in Section 24.

(e) Not more than a total of five lots may be created out of one tract as shown on the tax records on June 15, 1976, using the minor subdivision plat approval process, including lots created through any subdivision process since that date.

(f) The application may also be reviewed by the Health Department. If necessary, approval by that department is required prior to approval by the Planning Commission or Planning Director.

(g) Subject to subsection (d) above, the Planning Commission Chairman shall not approve any minor subdivision if the proposed subdivision is not found to be in compliance with these regulations or any other applicable local ordinance or regulation.

(h) If the minor subdivision is not in compliance with these or other regulations, the Planning Director shall promptly furnish the applicant with a written statement of the reasons for disapproval. The applicant will be informed of the following options:

> **i.** The applicant shall have thirty (30) days to amend the minor subdivision plat for Planning Director referral to the Planning Commission Chairman.
>
> **ii.** The applicant may request the Planning Commission review the application per subsection (I) below.

(i) All minor subdivision plats found to comply with all applicable regulations shall be forwarded to the Planning Director for action. The Planning Director will review the application, the file information, as well as any review agency comments, and then act for approval, deferral or disapproval. The approval shall be entered in writing on the plat through signature by the Planning Director. Reasons for action of deferral or disapproval shall be transmitted to the applicant by the Planning Office. In the event of a dispute between the applicant and the Planning Director, the Chairman may choose to refer the minor subdivision plat to the Planning Commission for action consistent with subsection 31 (c) below. ***[Amended August 27, 2005 by Bill No. 2005-17.*]**

(j) Endorsement and Certification must be completed, per Section 32, if applicable.

(k) Minor subdivisions submitted to the County for review shall be considered null and void if either of the following circumstances occur:

> **i.** Failure by owner or representative to respond to administrative or regulatory comments presented by relevant review agencies of the County or State, within six (6) months of written review comments being mailed to the owner and/or representative.

ii. Failure to address Planning Commission conditions imposed as a part of the plat approval prior to recordation, or the final plat is not recorded within six (6) months of the date of approval.

(l) If a condition imposed as a part of any Planning Commission approval cannot be addressed within six (6) months of the approval action, the owner or representative must make a request in writing for an extension from the Planning Director for an additional three (3) months. The request is to include details as to when and how the condition will be met, and any other information relevant to the situation. The Planning Director may grant one (1) extension administratively. If the condition cannot be fulfilled after that time, the plat must be resubmitted for review and action by the Planning Commission.

Section 23: Major Subdivision Applications Review Stages

(a) *Review Stages*. Major subdivision applications shall be reviewed as defined below:

i. *Pre-application Review*. Prior to the formal submission of a preliminary subdivision plan, the applicant may request a pre-application conference with County staff or submit a concept plan of the project for County review. This stage allows staff to assist in the identification of development opportunities and constraints during the early stages of the subdivision design.

ii. *Preliminary Subdivision Plan Review.* All applications for major subdivision plan approval shall be first considered by the Technical Review Committee and Planning Commission as a preliminary subdivision plan. If the Planning Commission approves the preliminary subdivision plan and this plan remains valid, the applicant may apply for approval of Improvements Plans and Final Plats. No lot may be sold or transferred or building permit obtained based solely upon an approved preliminary subdivision plan.

iii. *Improvement Plan Review.* The Improvement Plan is a construction plan for improvements required to support the proposed subdivision, and will be consistent with the following:

A. Improvement Plans shall include, but not be limited to, details, computations, and plans for the improvement of public or private roads, storm drainage, sanitary sewers, and other public facilities, depending on the requirements of this or other regulatory documents.

B. Improvement Plans shall be consistent with the approved preliminary subdivision plan for the project. The Planning Director shall determine if a variation from the approved preliminary subdivision plan requires a revision to the

approved preliminary subdivision plan per Section 47 of these regulations, prior to the approval of the Improvement Plan. Consistency shall be based upon the parameters stated in Section 47.

C. In no case may any Improvement Plan be approved unless the preliminary subdivision plan for the development is valid.

iv. *Initiation of Construction.* Upon approval of the Improvement Plans by Department of Planning and Growth Management, the issuance of all necessary permits by that Department, and the approval of any other State and Federal permits by the relevant agency, the applicant may construct such improvements in accordance with the approved preliminary subdivision plan and Improvement Plan. Bonding and or a developer's agreement is required per Section 29 prior to the issuance of any County permit.

v. *Final Major Subdivision Plat Review.* Lots may be sold or transferred and applications may be filed for building permits in accordance with the approved final subdivision plat upon the completion of the following:

A. Approval of the final subdivision plat by the Planning Commission;

B. Recordation in the Land Records; and,

C. Compliance with the conditions of Section 27.

Section 24: Major Subdivisions - Pre-Application Review

For the purpose of expediting applications and reducing major subdivision plan design and development costs, the applicant may request either a pre-application conference or concept plan review in accordance with the following requirements, prior to formal submission of the application:

(a) *Option One: Pre-application Conference.* If this option is chosen, the applicant is to prepare a sketch plan or concept plan of the proposal and meet with representatives of the Department of Planning and Growth Management to discuss the proposed subdivision. The purpose of this conference is to discuss at the earliest stage the subdivision requirements, review procedures, and possible issues related to the development of the property in question. This procedure is intended to help identify possible conflicts over subdivision requirements by early recognition of existing conditions, necessary facilities, and other requirements, which the applicant can then consider in preparing the formal subdivision plan application package. The applicant is also encouraged to discuss the proposal with other public agencies and utilities at this stage.

Scheduling and conduct of the pre-application conference is to be as follows:

i. Prior to the submission of a preliminary subdivision plan, the applicant is to request that the Department of Planning and Growth Management schedule a pre-application conference. At the time of the conference, applicant is to provide for review a sketch of the property showing the boundaries, general topography, important physical features, and other significant information, as well as the proposed scheme for the development of the property.

ii. Comments generated by staff during the pre-application conference are to be considered advisory in nature. The applicant is not bound by the determination of the pre-application conference; also, the TRC, staff, or the Planning Commission will not be bound by any such review. This meeting is for informational purposes only.

(b) *Option Two: Concept Plan Review.* In addition or as an alternative to the pre-application conference, the applicant may submit a concept plan for review by the Department of Planning and Growth Management. The purpose of the concept plan is to provide general comments regarding a proposal prior to the filing of a formal application for approval.

The following steps are to be followed in the filing and review of a concept plan:

i. Applicants seeking concept plan review are to submit the items stipulated in Appendix A of this ordinance to the Department of Planning and Growth Management at least thirty (30) days before they intend to submit for preliminary subdivision plan approval.

ii. The Department of Planning and Growth Management Staff, and other review agency staff if possible, are to provide general, written comments to the applicant within fifteen (15) days of receipt of the Concept Plan.

iii. The applicant will not be bound by the concept plan review comment; also, the TRC, staff, or Planning Commission will not be bound by any such review. This Department of Planning and Growth Management analysis is for informational purposes only.

Section 25: Major Subdivisions - Preliminary Subdivision Plan Review Procedures

(a) *Application for Approval.* After completion of the pre-application review, the applicant may submit an application for preliminary plan approval including the information required in Appendix A to the County. The completed and signed application shall be accompanied by the

appropriate fees, preliminary subdivision plan copies, and support material as required by this Ordinance and other relevant County ordinances.

(b) *Application*. Preliminary subdivision plan applications submitted to the County shall be scheduled on the next available TRC meeting agenda, but no earlier than thirty five (35) days from the date of application, subject to (c) below.

(c) *Initial Review.*

i. *Preliminary subdivision plan applications*. All applications shall be reviewed by the Planning Office for completeness within seven (7) calendar days of receipt of the application and payment of fees. If the application is complete, the Planning Office shall create a subdivision file for the project, notify the applicant if a balance or a refund is due, and prepare the application for distribution to the TRC meeting. Distribution of the application and the scheduling of all review events will not occur until after a copy of the paid fee is delivered to the Planning Office.

ii. *Applications with minor deficiencies*. If an application is found to be lacking a portion of the application, including an inaccurate fee calculation, the applicant will be notified by the Planning Office of the deficiency, and allowed ten (10) days to complete the application, or to provide the balance of the fee due without prejudice. Upon completion of the submittal packet, the application fee may be paid, the receipt presented, and the application distributed per these regulations.

iii. *Incomplete applications*. Applications which are determined to be substantially deficient or do not address any minor deficiencies, including insufficient fee payment, within the ten (10) day period shall be returned to the applicant by the Planning Office. A letter describing the nature and extent of the deficiencies is to be provided with each returned application. Incomplete applications may be corrected and resubmitted directly to the Planning Office within sixty (60) days beginning on the date of submission to the County. If a completed application is not received within this sixty (60) day period, the application shall become void. Subsequent applications for preliminary subdivision plan approval shall be considered to be new applications.

(d) *Technical Review Committee (TRC)*

i. *Distribution to the TRC.* Complete applications shall be transmitted to the members of the TRC and other interested local or state agencies after acceptance of the application. A copy of a tentative agenda for the scheduled meeting shall accompany the applications. A copy of the agenda shall also be sent to the applicant and the project engineer.

ii. *TRC meeting schedule.* TRC meetings shall be held on a day and time established by the Planning Director. The Planning Director may revise the TRC meeting schedule, as necessary, to expedite the review of projects and better coordinate the TRC review process with the meeting schedule for the Planning Commission, and may limit the number of plans scheduled for any given TRC meeting.

iii. *TRC membership*. The membership of the Technical Review Committee shall include representatives from the Department of Planning and Growth Management and other local, regional, and state agencies responsible for the implementation or enforcement of regulations or policies affecting land development in Charles County.

iv. *TRC meeting.* The members of the TRC are to prepare written comments and make these comments available to the Planning Office prior to the TRC meeting. TRC members unable to attend may submit comments to the Planning Office prior to the scheduled meeting. Copies of all comments shall be delivered to the applicant and project designer during the meeting. If the applicant or project designer is unable to attend the TRC meeting, copies of all comments from the TRC meeting shall be mailed to those not attending.

v. *Late Comments.* TRC members unable to prepare comments prior to the TRC meeting are to request an additional period of time to complete their review and transmit comments to the Planning Office. The Planning Office shall inform the applicant and project engineer of such requests at the TRC meeting and transmit copies of the late comments to the applicant and project engineer. Any regulatory comments received by the Planning Office must be addressed prior to the preliminary plan being forwarded to the Planning Commission for action.

(e) *Revisions to applications after TRC and distribution of revised plans.* If required, preliminary subdivision plans revised according to TRC comments shall be submitted to the Planning Office for acceptance and distribution to appropriate review agencies.

i. The applicant shall have six (6) months from the date of the TRC report to submit a revised preliminary subdivision plan, with a response letter addressing any TRC review agency comments and describing the changes to the plan.

ii. Any extensions for resubmittals shall be requested, in writing, by the applicant from the Director of Planning, and may be for no more than three (3) months per request; only two (2) such extensions may be granted.

iii. A new application for a preliminary subdivision plan must be submitted if the applicant fails to resubmit within the time allotted.

(f) *Major revisions to an active application*. If the applicant submits a revised plan which, in the view of the Planning Director, constitutes a major revision as described in Section 47, the Planning Director may require that the plan be submitted as a new application. In such cases, the initial application shall become void and the revisions shall be processed as a new application pursuant to subsection (a) above. The Planning Director shall provide a report documenting the nature of the revision decision, including a fee analysis of any possible refund or additional amount required, and provide that report to the applicant and project designer.

(g) *Planning Commission agenda.* The Planning Director will determine that preliminary subdivision plan is in compliance with all applicable regulatory provisions, or that the review of the plan has reached a point that any remaining issues involved with the plan under review must be resolved by the Planning Commission. In either case, the plan is prepared for presentation to the Planning Commission and placed on the next available Planning Commission Agenda. Placement on the agenda is controlled by the *Planning Commission Rules of Practice and Procedures*.

(h) *Planning Commission meeting.* Advertisements, notifications, and materials to be prepared by staff are to be consistent with all applicable regulatory provisions, and controlled by the *Planning Commission Rules of Practice and Procedures*.

(i) *Planning Commission action.* No preliminary subdivision plan shall be considered for action until it has been reviewed, and recommendations have been made, by the TRC. The Commission will review the application, public testimony, the report from the Planning Director, as well as any review agency comments, and then act for approval, approval with conditions, deferral, or disapproval. Reasons for action of deferral or disapproval and any requirements associated with a conditional approval shall be incorporated in the Commission's minutes and shall be available to the applicant and the public. The following actions by the Commission shall have the meanings so stated:

i. *Approval* means the applicant is now authorized to proceed with the construction of physical improvements and to proceed with preparation of the final plat, and the approved preliminary subdivision plan is valid for a period of two (2) years from the date of Planning Commission approval. A developer's agreement or the posting of a performance bond is now required per Section 29.

A. *Extensions.* Before expiration, the Commission may, at the request of the applicant, extend the approval period in increments of no more than one (1) year at a time, for a maximum extension period of four (4) years. In conjunction with such approval extensions, the Commission shall have the right to require changes in the development when it finds that time has necessitated such changes for the health, safety, and welfare of the residents of the community or when applicable ordinances and regulations have been changed. The Planning Commission may act

on specific phases of a preliminary plan individually, where such phases were defined at the time of the initial approval.

B. *Adequate Public Facilities Update required.* Any request for an extension beyond the two (2) year initial approval period shall include a revised and updated Adequate Public Facilities Analysis.

C. *Expiration.* Upon the expiration of any approval period specified under this section, the plan shall be deemed as disapproved by the Commission, and shall be automatically null and void without any further action by the Planning Commission being required.

D. *Administrative Extensions.* The Planning Director may grant an extension of a preliminary subdivision plan, subject to the following requirements:

1. A request for an extension must be included with an Improvement Plan submitted for review per Section 26. That extension shall be for the period that the Improvement Plan is under review.

2. Upon approval or conditional approval of an Improvement Plan for any section of the subdivision shown on the preliminary plan, and the request for an extension described above, the preliminary plan can be administratively extended and considered valid for the period of time which performance bonds or a developer's agreement are posted with the County per Section 29, plus one (1) year from the release of bonds or developer's agreement.

3. A preliminary subdivision plan remains valid as long as a performance bond or developers agreement remains in effect for any portion of the subject property as described in Section 29, or the expiration of the preliminary subdivision plan per this subsection.

4. If the Planning Director determines that there are no substantive changes to the approved preliminary plan or the applicable conditions of approval, and if no new or further adequate public facilities mitigation is required over and above the mitigations previously approved by the Planning Commission, the Planning Director may grant one-year extensions to a preliminary plan. The Planning Director may not deny an extension request without approval by the Planning Commission.
[Amended March 17, 2006 by Bill No. 2006-01.]

E. *Conformity Review.* A review is required for additional extensions of time, beyond the six (6) year maximum approval period described in this subsection; such extensions may be granted by the Planning Commission, subject to the following requirements:

1. A request for an extension must be submitted by the developer/owner at least sixty (60) days prior to the expiration date. This request is to provide a reason for the extension request, and the amount of time that is anticipated to be needed to complete the project through recordation of all final plats.

2. A time table providing dates of submittals, approval, developer or administrative actions for preliminary plans and revisions, all Improvement Plans and final plats is to be submitted as an attachment to the request.

3. Upon receipt of the request, the Planning Director is to prepare a conformity review in the form of a staff report to the Planning Commission. This review is to compare the original or revised preliminary subdivision plan to the existing or approved physical improvements as shown on Improvement Plans, final plats, Adequate Public Facility mitigation requirements, public water or sewer allocations, pace of development including build out rate, and the Planning Commission conditions of approval. The process for this review is to be consistent with that of a new preliminary subdivision plan, as described in Section 23 and Section 25 above.

4. As a part of the Conformity Review, the Planning Director shall include recommendations to the Planning Commission for preliminary subdivision plan extension approval or denial, or recommend any revisions to the conditions of approval, including, but not limited to, an update of the Adequate Public Facilities or traffic impact studies, additional infrastructure improvements based upon State or County capital improvement projects, revised or new federal, State or County regulatory requirements, or approved developments in the area.

5. The Planning Commission shall act on the request for extension consistent with the procedures of subsection 25(i)i.A., and may include new or revised conditions of approval, based upon the status of the development, County or State plans or regulatory requirements, surrounding development, and any other factors considered relevant by the Commission.

ii. *Conditional approval* means the applicant may proceed to the preparation of the Improvement Plan, but only as approved according to all revisions or conditions placed on the plan by the action of the Commission.

A. *Planning Commission revisions*. The Planning Director shall provide a letter within three (3) days of the Planning Commission action to the applicant and project engineer detailing those corrections and will specify the number of copies to be submitted for signature. Signature sets are to be submitted within ten (10) days of the Conditional Approval by the Planning Commission. The Planning Director shall verify the accuracy of the corrected signature sets prior to final approval. Upon the verification of the accuracy of the corrections, the preliminary plan shall be considered approved. The two (2) year validity period and extension procedures described in subsection 25(i)i. above shall become effective on the date of Planning Commission approval. The plan shall be deemed as disapproved by the Planning Commission if this requirement is not met.

B. *Failure to comply with approved conditions.* If at any time during the development process the Planning Director determines that the applicant has failed to adequately comply with the conditions imposed as a part of the preliminary plan approval, the Planning Director shall advise the applicant of the error. If the applicant does not take appropriate measures to correct the discrepancy between the preliminary plan and the development to date, the Planning Director shall notify the Chairman of the Planning Commission to schedule a review of the original preliminary plan and the current status of the project.

C. *Required Planning Commission revisions*. If the Planning Commission requires a major revision to the preliminary subdivision plan as described in Section 47, the applicant shall have six (6) months to submit the appropriately revised preliminary subdivision plan as described in subsection 25(f). The preliminary subdivision plan may be administratively voided if the revision application is not submitted consistent with the requirements of that section, or within the six (6) month time period.

iii. *Deferral* means Commission action is delayed for definite reasons, which shall be noted by the Commission. Certain specified changes may have to be made in the plans, but a re-submittal of the plan for formal review per these regulations is not required to be made by the applicant.

iv. *Denial* means disapproval of the plan. For further action, the applicant must file a new application along with a filing fee and preliminary plan copies as required under Section 24. The new application can only be accepted by the Planning Office if:

A. One (1) full year has elapsed since the Planning Commission denial; or,

B. The new application demonstrates to the Planning Director that it substantially addresses all Planning Commission objections to the preceding application, which were described by the Commission in accordance with this Section; or,

C. The new application is substantially different in concept, design, density, or intensity from the preceding application. The Planning Director will determine the suitability of the revised application within ten (10) days of submission.

(j) *Transmittal of Approved Plans.* The Planning Director shall be responsible for the transmittal of signature copies of the approved preliminary subdivision plan to the applicant, the project engineer or designer, county records, and any relevant state and county agencies. The Department of Planning and Growth Management shall not approve any Improvement Plans or final plats for the subdivision unless it has received a certified copy of the Preliminary Subdivision Plan from the Planning Office, and the improvement plans are in conformance with the approved preliminary subdivision plan.

Section 26: Major Subdivision Improvement Plans

(a) *Application for Approval.* After approval of the preliminary subdivision plan, the subdivider may prepare and submit to the Department of Planning and Growth Management plans for the installation of improvements in accordance with the requirements of Article V of these regulations. Such plans shall be sufficient to show the proposed location, size, type, grade, elevation, and other significant characteristics of each improvement. All such improvements shall be designed in compliance with and to the standards, plans, and specifications set forth in County regulations. Plans for the installation of improvements need cover only that portion of the subdivision which is to be included on the Final Plat.

(b) *Improvement Plan Review.* The Department of Planning and Growth Management shall review the proposed improvement plan and notify the applicant in writing of the approval, conditional approval, disapproval of the plan, or the requirement of further plan revision. Conditional improvement plan approval may be granted for grading and sanitary sewer construction pending final paving design.

i. *Approval* means the applicant is now authorized to proceed with the construction of physical improvements, to proceed with preparation of the final plat, and to post a performance bond or developer's agreement consistent with the requirements of Section 29.

ii. *Conditional approval* means the applicant may proceed as described above for "*approval*", but only after the required copies of the corrected Improvement Plan have been submitted to the Department of Planning and Growth Management. The improvement plan shall be considered void if the fully corrected plan is not filed within ninety (90) days of the Department of Planning and Growth Management written comments. Upon being notified that the Improvements Plans have been approved, the subdivider may proceed with either of the following:

A. The installation of such improvements, subject to obtaining all necessary approvals and permits from relevant county, state, or federal agencies for the work approved; or,

B. Post a performance bond or developer's agreement per Section 30 of these regulations securing the County Commissioners in an amount sufficient to cover the cost of any or all of the improvements as estimated by the appropriate officials.

iii. *Disapproval* means disapproval for the reasons stated in the notification by the Department of Planning and Growth Management. For further consideration, the applicant must resubmit the Improvement Plan as a completely new Improvement Plan, including all applicable fees. Fees for the previous submittal are forfeit. Any plan which is not revised per subsection (b)iv. below shall be considered to be automatically disapproved.

iv. *Further plan revision required.* If an Improvement Plan application does not meet relevant County and State standards, that application may be eligible for approval or conditional approval after addressing written comments from Planning and Growth Management and other review agencies, then a letter to that effect will be issued by the Department. That letter is to describe the relevant deficiencies and statutory requirements which are involved, and describe the resubmittal process per these regulations and County review policies. The revised plan is to be filed within ninety (90) days of the Department of Planning and Growth Management written comments, and is to include a Response letter detaining the changes made to address review agency comments. The new submittal will then be reviewed subject to this Section.

v. *Review period extensions.* One (1) ninety (90) day extension beyond the ninety (90) day requirement may be granted by the Director of Development Services for any given Improvement Plan review period. Any request for extension must be made in writing prior to expiration of that period.

vi. *Expired Improvement Plan applications*. A new application for an Improvement Plan is required if an application fails to resubmit within the time allotted.

(c) *Modifications or Exceptions*. Modifications or exceptions to procedural requirements associated with Major Subdivision review herein may only be granted by action of the Planning Commission, and as described in Section 104 of these regulations. In no case shall the Department of Planning and Growth Management be authorized to vary such requirements, except as specifically permitted.

(d) *Notification of Action.* The Department of Planning and Growth Management shall include a copy of its action on the Improvement Plan, and in the records for the final subdivision plat.

(e) *Development Services Improvement Permit.* Upon approval of the Improvement Plan and compliance with subsection (b)ii. above, the Department of Planning and Growth Management shall issue a Development Services Improvement Permit to the applicant. This permit shall govern all construction activity in compliance with the Improvement Plan.

Section 27: Subdivision Improvements Required

(a) The minimum improvements that a subdivider will be required to provide and install in a subdivision, or to enter into agreement to provide and install, prior to the approval of the final plat thereof, shall be as prescribed in Section 29. All such improvements shall conform with the standards, specifications, and other requirements adopted by the Department, or by such other governmental agency as may have jurisdiction over each facility. Nothing, however, shall be construed as prohibiting a subdivider from installing improvements of a higher type than the minimum required herein.

(b) *Inspection and Acceptance*. All construction work on improvements required herein shall be subject to inspection during and upon completion of construction by the Department of Planning and Growth Management, prior to approval and acceptance by the County.

(c) A final plat must be submitted for consideration by the Planning Commission within two (2) years of the issuance of the Development Services Improvement Permit, or that permit shall become null and void. If it becomes void, a new Improvement Permit will be required, with appropriate fee due upon issuance.

(d) An administrative extension of a preliminary subdivision plan may be required per subsection 25(i)i.D. above, for any Improvement Plan or Development Services Improvement Permit if the preliminary plan is scheduled to expire during the life of a performance bond or developer's agreement, or during the one (1) year period described in that subsection. In addition, a conformity review may be required per subsection 25(i)i.E. above.

Section 28: Forest Conservation Requirements

A Forest Stand Delineation and Preliminary Forest Conservation Plan must be submitted as required by County regulations, and approved by the Planning Director prior to, or concurrently with, all preliminary subdivision plans. The Final Forest Conservation Plan must be approved by the Planning Director prior to the issuance of any grading or land disturbance activity or Subdivision Improvement Permit associated with the final subdivision plat.

Section 29: Bonding or Guarantee of Improvements

(a) All onsite physical improvements must be bonded or guaranteed as described in this section.

i. If the subdivider proceeds with the installation of required onsite improvements, then, upon receipt of a report from each of the appropriate officials that such improvements have been completed in accordance with this ordinance and the improvement plans, the Deputy County Administrator for Planning and Growth Management will recommend to the County Commissioners that they accept the roads and other improvements, and the Planning Commission will consider an application for approval of the final plat; or,

ii. If the applicant has elected to post a performance bond for onsite physical improvements to ensure the actual construction and installation of such improvements within a two (2) year period and according to other requirements to be specified in each case by the County Commissioners, then the Planning Commission will consider an application for approval of the final plat. In addition, the subdivider will provide a developer's agreement to ensure the construction and installation of all improvements within a two (2) year period. Failure to comply with any or all of the specified requirements, or failure to construct or install the specified improvements within the two (2) year period, will result in the forfeiture of the posted bond, unless an extension request for a period not greater than two (2) years is granted by the County Commissioners; or,

iii. If the subdivider proceeds with the installation of required improvements but wishes to bond the remaining work in order to record a plat, the subdivider may do so at the completion of a satisfactory inspection of the base coat of asphalt, or the substantial completion of the public water and/or sewer system in accordance with the County bonding procedures.

(b) *Offsite Physical Improvements.* A performance bond shall be posted as a condition of the Subdivision Improvement Permit for all offsite physical improvements necessary for the completion of the subject project, or portion of that project, as described in subsection (a)ii. above. The bond for off-site physical improvements must also be completed within the specified two (2) year period, unless an extension is granted. If there is a performance bond posted with

a state agency for the off-site work, a copy of that bond agreement will address this requirement. ***[Amended September 13, 2002 by Ordinance No. 02-76.]***

Section 30: Bonding Procedure

The following procedures and standards shall apply whenever a performance bond to the County Commissioners is required for subdivision improvements:

(a) A written request for a determination of the amount of bonding required shall be filed with the Department of Planning and Growth Management, if the bond is to be reduced from the amount shown as the Subdivision Improvement Plan bond amount. An explanation for any reduction or change in bond phasing is required, and must be found acceptable by the County.

(b) Upon the determination of the necessary amount of bonding, the bond must be posted in a form satisfactory to the County Commissioners.

(c) The bond will be approved by the County Commissioners if the bond is secured through a bonding company, is in the proper form, and is accompanied by the required power of attorney and certificate from the Insurance Commissioner that the surety is licensed to do business in Maryland as an insurer.

(d) If any other type of bonding arrangement is desired, a written request must be made to the County Commissioners. The written request should be accompanied by a financial statement and any other information which might be helpful to the County Commissioners in determining whether or not to accept the bonding arrangement.

(e) After consideration of the request for bonding, the applicant will be notified of the County Commissioners' decision. If the County Commissioners approve the bonding arrangement, the County Attorney's office will prepare the necessary documents which will be submitted to the applicant for execution.

(f) Upon receipt of the executed document it will be referred to the County Commissioners for their review and final approval. If the bond is approved by the County Commissioners, the bond will be returned to the Department of Planning and Growth Management and the Planning Commission's records relative to bonding requirements will then show that the bond has been accepted. A copy of the approved bond will be forwarded to the applicant.

Section 31: Major Subdivisions - Final Plat Review Procedures

All major final subdivision plats shall be processed as follows:

(a) *Pre-Application Conference.* The applicant is encouraged to prepare a draft of the proposal for discussions with the Department of Planning and Growth Management and other government and utility agencies in order to share information and open a dialogue at the earliest stages of the process. This conference is not mandatory.

(b) *Application, Distribution, and Review.* The application, distribution, and review procedures for Final Subdivision Plats shall conform to the following procedure:

i. Solicitation of comments regarding compliance with these regulations, the *Zoning Ordinance*, the approved preliminary plan (if applicable), the *Forest Conservation Ordinance*, *Adequate Public Facilities Ordinance*, and any other statutory requirements of applicable state and local agencies.

ii. The application will be null and void, and all fees forfeited, if the owner or representative fails to respond to all administrative or regulatory comments presented by relevant review agencies of the County or State, within six (6) months of the written review comments being mailed to the owner and/or representative.

iii. Any extensions for resubmittals and/or responses to written comments shall be requested in writing, and may be for no more than three (3) months per request. Only two (2) such extensions may be granted by the Deputy County Administrator for Planning and Growth Management.

iv. A new application for a final subdivision plat, including all applicable fees, must be submitted if the applicant fails to resubmit or respond to written comments within the time allotted.

(c) *Plat Approval by Planning Commission.* No final plat shall be considered for action by the Commission until it has been reviewed and recommendations made by the Planning Director. The Commission, upon receipt of both the report from the Planning Director as to the adequacy of the final plat, and any reports from responsible officials as to all other prerequisites for final plat approval, shall act for approval, approval with conditions, deferral, or disapproval. The reasons for action of deferral or disapproval and any requirements associated with a conditional approval shall be fully incorporated in the Commission's minutes and shall be available to the applicant and the public. No final plat may be approved, however, unless it is found by the Planning Commission to conform with the preliminary subdivision plat as approved, and in conformity with the requirements of these Regulations.

The following actions by the Planning Commission shall have the meanings so stated:

i. *Approval* means the final plat is ready to be certified by the Commission Chairman, with no further corrections or revisions of the plat required by the applicant.

ii. *Conditional approval* means the final plat cannot be certified by the Planning Commission Chairman until the applicant has complied with the conditions of approval set forth in the Planning Commission action on the plat. The applicant shall have thirty (30) days from the date of Planning Commission action to resubmit the revised plat to the Planning Office, unless otherwise specified as a part of the conditional approval. An extension request may be granted for a period of up to thirty (30) additional days by the Planning Director, only after a written request is made by the applicant prior to expiration of the conditional approval period. Information is to be included in the request which details the reasons for the delay. Upon receipt of the revised plat, the Planning Office shall prepare a report on the changes to the plat, and will forward the revised plat to the Chairman for signature per this section.

iii. *Deferral* means that the Commission has deferred action until some future Commission meeting in order that certain clarification can be made in regard to the plat. No completely new re-submittal is required of the applicant as is the case for disapproval.

iv. *Disapproval* means disapproval of the plat. In order to request a new review and action, the applicant must file a new application along with a filing fee, plan copies, and other material as required under this section which address the deficiencies or issues upon which the Planning Commission based the disapproval action. Failure to meet with the requirements established as a condition of approval per this section also constitutes an automatic disapproval of the plat.

(d) *Certification of Approval.* Upon approval, the Chairman of the Planning Commission shall affix his or her signature to four sepia/mylars provided by the applicant. Approval of the final plat by the Planning Commission shall not be deemed to constitute or effect an acceptance for the dedication of any street or other proposed public way or space on said plat, but the showing of such ways or space shall be deemed to be an offer of dedication shall be conveyed to the County.

(e) *Approved Plats Filed***.** The Planning Director or designee shall: file one (1) sepia/mylar for recordation in the Land Records of Charles County within thirty (30) days of signature by the Planning Commission Chairman; forward one (1) sepia/mylar to the Tax Assessor's Office; forward one (1) sepia/mylar to the developer's project engineer; and forward one (1) sepia/mylar to the Department of Planning and Growth Management for record keeping purposes. The Planning Director shall print paper copies and distribute them to relevant agencies, at a cost to the applicant.

(f) *As-built Plans.* Revisions to any final plat that are necessary due to post-recordation changes in utility easements may be reviewed and approved by the Deputy County Administrator for Planning and Growth Management, provided that the only plat revisions are to temporary or

permanent utility easements. Otherwise, any revision to a recorded final plat must follow the requirements of this section.

Section 32: Endorsements and Certifications on Major Subdivision Plats

The following shall appear on the plat:

(a) Owner's certification, acknowledging ownership of the property and agreeing to the subdividing thereof as shown on the plat, signed by the owner or owners and any and all lien holders, and witnesses; also offering for dedication all streets and land areas intended for public improvements. Areas identified as being necessary for future public improvements shall be dedicated to the County, or clearly labeled as reserved for dedication at no cost to the County, at such time as required. A Deed of Conveyance is to be prepared by the applicant, and is required at the time of conveyance to the County, for any land dedicated or reserved for future dedication.

(b) Certificate of the licensed surveyor to the effect that the plat represents a survey made by him, that it is accurate to the best of his knowledge, that all monuments indicating the boundaries of the property thereon actually exist and their locations and descriptions are correctly shown, and that all requirements of these regulations and of other applicable laws have been fully complied with.

(c) Approval block for the following: Health Department, Deputy County Administrator for Planning and Growth Management, and the Chairman of the Charles County Planning Commission. ***[Amended September 13, 2002 by Ordinance No. 02-76.]***

Section 33: Plat Approval Not Acceptance of Dedication Offers

Approval of a plat does not constitute acceptance by the County of the offer of dedication of any streets, sidewalks, parks, or other public facilities shown on a plat. However, the County may accept any such offer of dedication through the acceptance of the Development Agreement. All such offers of dedications are considered to be irrevocable and without limitations on time unless a document from the County Commissioners, upon the recommendation of the Planning Commission which states that the dedicated facility or land is not required by the County.

Section 34: Deed of Conveyance Required

The County will not accept any dedication of any land, easement, or public improvement associated with that land without a Deed of Conveyance. Deed of Conveyance is to be prepared by the applicant, and submitted for review and approval concurrently with the record plat for the

dedication. Dedication offer is not considered accepted until approved by the County and signed by the Deputy County Administrator for Planning and Growth Management and the County Attorney. All such dedications are considered to be irrevocable and without limitations on time unless a document from the County Commissioners upon the recommendation by the Planning Commission if provided to the developer which states that the dedicated facility or land is not required by the County.

Section 35: Protection Against Defects

(a) Whenever occupancy, use or sale is allowed before the completion of all facilities or improvements intended for conveyance as described in Section 26, then the performance bond or the surety that is posted pursuant to Section 29 shall guarantee that any defects in such improvements or facilities that appear within one (1) year after the dedication of such facilities or improvements is accepted shall be corrected by the applicant. This requirement may be satisfied by a retainer held by the County for an amount equivalent to ten (10) percent of the original bond amount established for the original bond or surety as specified above.

(b) Whenever all public facilities or public improvements intended for dedication or conveyance are installed before occupancy, use, or sale is authorized, then the applicant shall post a performance bond or other sufficient surety equivalent to ten (10) percent of the original bond amount established for the improvement being dedicated to the County, to guarantee that the Developer will correct all defects in such facilities or improvements that occur within one (1) year after final inspection and acceptance.

(c) During and after the development of any project, all areas designated for Forest Conservation on the approved Forest Conservation Plan are to be maintained and protected in accordance with the approved Forest Conservation Plan and with all applicable County and State regulations.

(d) The regulations contained herein shall not be interpreted or construed to lessen, or to otherwise constitute a waiver of, the statute of limitations to agreements and bonds as provided by applicable code, it is the express intention of the County Commissioners that, in the event of a conflict, the statute of limitations which provides the greater period of time to enforce an agreement shall prevail.

Section 36: Maintenance of Dedicated Areas Until Acceptance

All facilities and improvements with respect to which the owner makes an offer of dedication to public use shall be maintained by the owner until such facility or improvement is conveyed by deed and accepted by the appropriate public authority, or legal entity such as a home owners

association, as described in these regulations. Acceptance of dedication shall not occur until the requirements of this Article and Section 64, if applicable, are met.

Section 37: Standards for Plat Preparation and Submittal

(a) The Planning Director shall make final determination on the completeness of the final plat application in accordance with the provisions of this section prior to recordation of the plat. This includes the determination of the extent of information required, based upon the items listed in Appendix A of these regulations.

(b) The final plat submitted for approval to the Department shall be drawn on a sheet made of material that will be acceptable to the Clerk of the Circuit Court having dimensions of 18" x 24". When more than one sheet is required to include the entire subdivision, all sheets shall provide match lines on each sheet and appropriate references to other sheets of the subdivision. All match lines are to be contiguous with proposed or existing lot, property, easement, or right of way lines; any variation from this criteria must be specifically approved by the Planning Director. A location map indexing each of the sheets shall be included on the first sheet, for any final plat containing five (5) or more sheets. The index sheet is not subject to scale restrictions described herein, and must clearly show the entire area subject to the final plat.

(c) The scale of the final plat shall be at one (1) inch equals not more than one hundred (100) feet. The Planning Director may exempt the plat from this requirement, provided that the reduced scale will allow for a reasonably legible level of detail for the plan and the copies of the plan. A written request stating the scale desired must be submitted to, and approved by, the Planning Director prior to the submission of the plat for review. A reduction in scale greater than one (1) inch equals two hundred (200) feet will not be approved. The final plat is to show the entire parent parcel, including all residue or outlots, unless specifically approved by the Planning Director prior to submittal. As a general rule, residue of less than ten (10) acres must be shown on the plat.

(d) The first sheet of all final plats shall include a location map showing the general outline of the project, all existing roads classified as major collector or greater, and geographic landmarks shown to a scale of not less than one (1) inch equals two thousand (2000) feet, unless otherwise approved by the Planning Director prior to final plat submittal.

(e) All lettering and numerical notations on any final plat shall be no smaller than one-eighth (1/8) inch in height, unless otherwise approved by the Planning Director prior to final plat submittal.

(f) The accurately oriented north arrow shall be coordinated with any bearings shown on the plat, and shown in the upper half of the plat sheet. Indication shall be made as to whether the

north index is true, magnetic, Maryland grid, or is referenced to old deed or plat bearings. If the north index is magnetic or referenced to old deed or plat bearings, the date and the source of such index was originally determined shall be clearly indicated. The north arrow is to be oriented towards the top of the plat sheet. A written request for any variation from this vertical orientation must be submitted to, and approved by, the Planning Director prior to the submission of the plat for review.

(g) The azimuth or courses and distances as surveyed of every line shall be shown. Distances shall be in feet or meters and decimals thereof. The distances and bearings of the boundaries shall be determined by an accurate survey in the field, which shall be balanced and closed with an error of closure of no less than one (1) part in ten thousand (10,000).

(h) All plat lines shall be by horizontal (level) measurements. Enlargement of portions of a plat are acceptable in the interest of clarity, and are to be shown as inserts on the same sheet. Where the Maryland grid is used the grid factor shall be shown on the face of the plat and a designation as to whether horizontal ground distances or grid distances were used.

(i) Where a boundary is formed by a curved line, the following data must be given: actual survey data from the point of curvature to the point of tangency shall be shown as standard curve data, or as a traverse of bearings and distances around the curve. If standard curve data is used the bearing and distance of the long chord (from point of curvature to point of tangency) must be shown on the face of the plat.

(j) Where a subdivision of real property is set out on the plat, all streets and lots shall be carefully plotted with dimension lines indicating widths and all other information pertinent to reestablishing all lines in the field. This shall include bearings and distances sufficient to form a continuous closure of the entire perimeter.

(k) *Permanent Reference Monuments and Markers* are to be shown on the plat and placed in the field subject to the following:

> **i.** *Survey benchmarks and traverse points* shall be shown on the plat, and shall be placed as required by the provisions of the Real Property Article Section 3-108 of the *Annotated Code of Maryland (1957)*, as amended; see Appendix B(5). Benchmarks or traverse points are to be set at the intersection of a property line with state or county right-of-way or utility easement, and placed at a rate of one (1) per every hundred acres, with one (1) being the minimum per subdivision. Such permanent reference monuments shall be stone or concrete at least 36 inches in length and four (4) inches square with suitable metal rod or approved metal plate permanently inserted at the center point, and shall be set flush with the ground and to finish grade.

ii. *Permanent reference monuments and markers* in the form of metal pipes or rebar shall be placed in the following locations with metal pipes or rebar 3/4 inches in diameter and 24 inches in length are to be shown on the plat thus "F", or other method of permanent marking approved by the Planning Director shown thus "G":

A. intersections of streets and alleys with plat boundary lines;

B. at all points on the street or alley right-of-way and property boundary lines where there is a change in direction or curvature; and,

C. at all lot corners.

iii. *Verification before dedication*. All benchmarks, monuments and markers are to be placed after finish grading is completed. All monuments, metal pipe, and rebar locations are to be verified by the applicant's registered surveyor and inspected by the County prior to acceptance by the County of any roads, storm water management or other facilities included on the final subdivision plat.

(l) Where the plat is the result of a survey, one or more corners shall, by a system of azimuths or courses and distances, be accurately tied to and coordinated with a monument of the National Geodetic Survey (formerly U.S. Coast and Geodetic Survey) system. A request for use of any coordinate system other than the National Geodetic Survey must accompany the final plat application, and will be subject to the approval of the Deputy County Administrator for Planning and Growth Management. In all cases, a subdivision plat must be referenced to an existing permanent reference marker.

(m) The Planning Director shall record the proposed plat unless it is found that the plat or the proposed subdivision fails to comply with one or more of the requirements of these regulations, or the final plat differs substantially from the plans, specifications, and conditions approved in conjunction with a previously approved Special Exception, rezoning, or other action by the Planning Commission or County Commissioners that authorized the development of the subdivision. The Planning Director shall then file the required copies for record with the Clerk of the Court of Charles County, and shall distribute other prints to official agencies as may be needed. One signed sepia or mylar copy shall be returned to the subdivider.

(n) If the final plat is disapproved by the Planning Director, the applicant shall be furnished with a written statement of the reasons for the disapproval.

Section 38: Establishment of Restrictive Covenants

The County is not responsible for the enforcement of individual covenants such as common maintenance and common access agreements. Such covenants shall be entered into Court records and shall not violate local, state, and federal laws.

Sections 39 through 42: Reserved

ARTICLE V: GENERAL DESIGN REQUIREMENTS

Section 43: Purpose

The purpose of this Article is to establish the basic and minimum design and improvement standards that will be required as a condition to development or that are to be provided in conjunction with development for subdivisions. Standards exceeding these minimum requirements may be provided by the applicant or required by the Planning Commission. This Article promotes development that is harmonious with the existing environment and provides guidelines and standards to protect the public health, safety, and welfare.

Section 44: General Site Design Standards

(a) *Site Design and Environmental Features Analysis.* The characteristics of the development site shall be detailed in an analysis, which may include the following, as appropriate: site context and history; geology, soil and topography; vegetation, fauna, and ecology (including the known location of any threatened or endangered species); visual features and their context; past and present use of the site; existing structures, and road networks. Other features and information may be included in the site analysis, and may be required during plan review; at minimum, the environmental features analysis required per the *Forest Conservation Ordinance* is to be provided with the preliminary subdivision plan application.

(b) *Subdivision Design.*

i. Design of the development shall take into consideration all existing local and regional plans for the surrounding community including, but not limited to, the Charles County *Comprehensive Plan* and the *Comprehensive Water and Sewer Plan*.

ii. Development of the site shall be based on the site analysis. To the maximum extent practicable, development shall be located to preserve the natural features of the site, to avoid areas of environmental sensitivity, and to minimize negative impacts and alteration of natural features.

iii. The following specific areas include, but are not limited to, areas that shall be preserved as undeveloped open space, to the extent consistent with the reasonable use of land, and in accordance with applicable state or local regulations:

A. Unique and/or fragile areas, including tidal and non-tidal wetlands as defined in the Charles County Zoning Ordinance. This information is to be field

verified by on-site inspection on the property and within 100 feet of the property boundary;

B. Priority forest stands and/or specimen trees consistent with the Charles County *Forest Conservation Ordinance*.

C. Lands in the flood plain;

D. Steep slopes in excess of twenty-five (25) percent, or as required by Resource Protection Zone or Critical Area regulations, as measured over an area of 10,000 square feet, except where appropriate engineering measures concerning slope stability, erosion, and resident safety are taken;

E. Habitats of rare, threatened and endangered species, as identified by the Secretary of the Maryland Department of Natural Resources or by the Federal Endangered Species Act;

F. Other significant ecological areas, including but not limited to: Forest Interior Dwelling Bird Habitat, fish spawning areas, colonial waterbird nesting sites, and submerged aquatic vegetation;

G. Historically significant structures and sites, as listed on federal, state, or County lists of historic places, or eligible for inclusion on the National Register of Historic Places;

H. Information for off-site delineation of the above items, beyond the 100 feet specified, may be based upon the most recent topographic and historical information available at the time of submittal, provided that the sources used are clearly specified on the plan or plat document.

iv. The development shall be laid out to avoid adversely affecting ground water and aquifer recharge; to reduce cut and fill; to avoid unnecessary impervious cover; to prevent flooding; to provide adequate access to lots and sites; and to mitigate adverse effects of shadow, noise, odor, traffic, drainage, and utilities on neighboring properties.

v. Area of special geotechnical consideration - A geotechnical report will be required including a preliminary soils condition report at the time of preliminary plan application for new construction in the portion of the county designated as the "Area of Special Geotechnical Consideration" per Appendix F. The geotechnical report shall be prepared by a professional engineer licensed in the State of Maryland who is hired by the County and paid for by the applicant. The geotechnical report shall identify all unstable soil conditions and make recommendations for construction requirements where the unstable

soil conditions exist. Unstable soil conditions shall include but not be limited to, high shrink/swell or other unstable soil conditions as determined by the geotechnical engineer. These recommendations shall become a part of the construction permit requirements. ***[Amended December 15, 2000 by Ordinance No. 00-89.]***

The geotechnical construction recommendations shall include all the necessary requirements for roads, grading, drainage, stormwater management, water and sewer, building, foundations, landscaping, utilities, and any other construction as determined by the county.

(c) *Circulation System Design*.

i. The road system shall be designed to permit the safe, efficient, and orderly movement of traffic; to meet, but not exceed the needs of the present and future population in the area to be served, as established by the Comprehensive Plan; to have a simple and logical pattern; to provide interparcel connectors to alleviate traffic congestion and to facilitate access for emergency vehicles, without promoting through traffic on local residential streets; to respect natural features and topography; and to present an attractive streetscape.

ii. Nonresidential developments are to provide shared or coordinated entrances to streets classified as collector streets or greater.

iii. The pedestrian system shall be located as required for safety. In conventional developments, walks shall be placed parallel to the road, with exceptions permitted to preserve natural features or to provide visual interest. In other developments, walks may be placed away from the road system, but they may also be required parallel to the road for safety reasons. (See Article VII for road and sidewalk standards.)

Section 45: Adequate Public Facility Standards

(a) As required by the Charles County *Zoning Ordinance*, no preliminary subdivision plan shall be approved unless the Planning Commission first determines that the proposed subdivision will not adversely affect the adequacy of public facilities serving the area, project, or development.

(b) Every subdivision shall conform in the provision of water supply objectives, policies, and sewage disposal to the guidelines set forth in the County's *Comprehensive Water and Sewer Plan*.

(c) Where the subdivision contains sewers, sewage treatment plants, water supply systems, park areas, or other physical facilities necessary or desirable for the welfare of the area and which are of common use or benefit and which are of such character that the County or other public

agency does not desire to maintain, then provision shall be made by legal arrangements incorporated into the deed restrictions and which are acceptable to the County Commissioners for the proper and continuous maintenance and supervision of such facilities by the lot owners in the subdivision.

Section 46: Lot and Block Standards

Every lot approved for development should be designed to adequately provide for the reasonable use of the lot consistent with the nature of the uses permitted in the zoning district. Lot sizes and shapes vary within a given project or zoning district, due to design constraints such as road access or design, resource protection zone requirements, buffers, utility installations, and other matters. As a result, the ability of a property owner to develop, expand, or otherwise use a lot may be limited if care is not taken to coordinate these design constraints. The requirements of this section are intended to provide standards for the creation of lots which can be appropriately used by the property owner and residents.

(a) In general, intersecting roads, which determine block length, shall be provided at such intervals as necessary to meet existing road patterns, topography, and requirements for safe and convenient vehicular and pedestrian circulation. Residential blocks generally shall not exceed one thousand six hundred (1600) feet in length, nor be less than the minimum intersection spacing set forth in the *Charles County Road Ordinance* with the block width generally being sufficient to allow two tiers of lots of appropriate depth. Exceptions to this prescribed block width may be permitted in blocks adjacent to major roads, railroads, utility easements or waterways. When blocks are greater than one thousand (1000) feet long, special consideration should be given to the provision of pedestrian ways within the block, as needed. Non-residential blocks shall be of such length, width, and other design as the Commission finds necessary for the prospective use, including adequate provision for off-road parking, truck loading and unloading, buffer areas, pedestrian movement, and proper vehicular access to adjacent roads.

(b) *Useable Lot Area required*. The following general standards are to be used for guidance in the design of a lot, in order to provide a reasonable area for the use of that lot consistent with the *Zoning Ordinance*:

i. Excessive depth in relation to width should be avoided, with a proportion of 2 to 1 normally considered a desirable maximum for lot widths of 60 feet or greater.

ii. All lots must provide contiguous usable area for the construction of a principal structure, including decks, patios, and accessory structures consistent with the nature and use of the property and housing type.

iii. The Planning Director may require that the *"useable lot area"* for any lot be shown during preliminary subdivision plan or final plat review. The area designated on the lot for a septic easement, if necessary for the particular lot, is not required to be within the *"useable lot area"* as defined by this section.

iv. For single family detached dwellings, *"useable lot area"* is not to include any portion(s) of the lot separated by a section of that lot less than thirty-five (35) feet in width. The Planning Commission may approve single family detached lots with this constraint only if the constraint is the result of an existing condition.

vi. The Planning Director may refer any minor subdivision to the Planning Commission for review if the application does not appear to adequately address any of the requirements of this subsection.

(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 per Section 80. All such lots shall be designed so as to provide safe and convenient vehicular and pedestrian access to the road. Lots 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 a part of a subdivision development with an internal circulation network where the lot is served by a marginal access road or service road, designed as a integral part of the overall development.

(d) *Lot Lines.* Side lot lines should generally be at right angles to straight road centerline and radial to curved road center lines.

(e) *Lot Area.* Lots for residential or non-residential uses shall meet the minimum standards required by the *Zoning Ordinance*, except *"public use lots"* as defined by this section. In no case shall any new residential lot hereafter platted be of less size or width than what is described in the *Zoning Ordinance* for said Zoning District in which the lot is located.

(f) *Corner Lots*. Corner lots should be of sufficient width and depth to equal non-corner lots in subdivision plus sufficient area to comply with the required minimum front yard building setback line on each road frontage.

(g) *Double Frontage Lots.* Double (or "*through*" and "*reverse*") frontage lots shall be prohibited except where employed to prevent excessive vehicular driveway access to roads, to

separate residential areas from other areas of conflicting land or traffic use, or to overcome specific disadvantages of topography and orientation.

(h) *Land Remnants*. Remnants of land that exist after the subdivision of a parent parcel that have no apparent future use defined by the subdivision application that can be properly controlled, or is unbuildable according to the *Zoning Ordinance* or other state or local regulation, shall be incorporated into the lots of the proposed subdivision or right-of-way.

(i) *Public Use Lot.* A parcel of land, which is designated not to be used as a residential lot, and is to be dedicated to the County, the State, or any entity other than the Home Owners Association, subject to the following:

i. The lot shall be demonstrated to be acceptable to the future property owner, organization or agency, including reasonable access and maintenance;

ii. Written acknowledgment by the future property owner, organization or agency is to be provided prior to preliminary subdivision plan approval;

iii. The proposed use of the lot is clearly specified on the subdivision plan and plat, and determined to be an appropriate use by the Planning Commission as a part of the preliminary subdivision plan approval process;

iv. Appropriate deed restrictions are recorded with the final subdivision plat.

(j) *Residue.* Any area(s) of a parcel not the subject of a development proposal, but which are associated with the subdivision, and are 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*.

(k) *Building Restriction Lines.*

i. The minimum front yard setback shall be delineated for all lots on a subdivision plan, and labeled as the building restriction line, providing the relevant distance as stated in the *Zoning Ordinance*.

ii. The rear building restriction line shall be shown on the subdivision plat, for any irregularly shaped lot, cul-de-sac or radial lots, flag lots, or others as required by the Planning Director where an overlap between the lot line and any utility easement, forest conservation easement, or other feature which may impact upon the use and enjoyment of

the lot, per (l) below. The line shall be drawn pursuant to the guidelines of the *Zoning Ordinance*.

iii. In all cases, an additional depth of at least twenty (20) feet over the typical lot depth shall be required on residential lots less than one (1) acre that back up to railroads, unless a bufferyard is provided between the lot and the railroad right-of-way that is consistent with the *Zoning Ordinance* and these regulations .

(l) *Encroachments or restrictions on residential lots*.

i. Any area of land designated in a subdivision, including, but not limited to, required bufferyards, open space buffers, RPZ buffers, Forest Conservation Easements, storm water management facilities, or drainage easements, must not encroach onto any individual residential lots of one (1) acre or less in such a way as to reduce the minimum useable lot area for the lot required per subsection (b) above, or to restrict the reasonable use of the property consistent with the zoning of the property.

ii. The Planning Director may require that all building restriction lines and proposed house locations are to be shown for any lot with an encroachment, as shown on the preliminary subdivision plan and/or the final subdivision plat. The Planning Director is to notify the applicant in writing during TRC review for a preliminary subdivision plan, or during final subdivision plat review, but in either case prior to recommending the plan or plat to the Planning Commission for action.

(m) *Access for Flag Lots.* In order to provide adequate and safe access for residents, and for the provision of emergency services, access easements to flag lots shall not be longer than seven hundred fifty (750) feet in length unless specifically approved by the Planning Commission. These easements are not to be less than twenty-five (25) feet in width for any access easement for two (2) or more residential lots, and must be found to be a useable alignment based on topography and property limits. For longer easements the Planning Commission may require additional pavement widths, passing areas, or alignment variations to provide for the safe use and provision of emergency services to the lots as required by the *Zoning Ordinance* and the *Road Ordinance*.

(n) *Outlots.* Any parcel of land which is shown on a recorded plat that is not a public use lot as defined in these regulations, but which is not to be occupied by a building, or is not considered to be a buildable lot by these regulations or other regulations, shall be considered to be an outlot and is to be labeled as "Not a Buildable Lot" on the subdivision plans and plats. All such lots are subject to the minimum lot standards as stated in the *Zoning Ordinance*. 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 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.

(o) *Irregularly Shaped Lots.* In general, the subdivision may be approved with irregularly shaped lots which contain one or more interior angle of less than sixty (60) degrees or greater than two hundred forty (240) degrees, not including ingress/egress areas, subject to the following criteria:

i. Topographic, environmental, existing property boundaries, requirements associated with other regulations, and/or criteria established by the developer that support establishment of that lot shape.

ii. Existing and proposed drainfield locations must be shown on the preliminary plan for all such lots, and on the final plat. Drainfield locations as shown must be verified by the Health Department prior to any approval action.

iii. Existing buildings or other physical improvements which are to remain.

iv. All criteria described in subsection (b) above have been met.

(p) *Cemetery Ingress/Egress easements required.* An appropriate easement is to be provided for any burial site located on parcel subject to subdivision plat, which allows for ingress and egress to the burial site by persons related by blood or marriage; or persons or interest, as defined by the State Code Real Property Article. Improvements are not required to exceed any right-of-way existing at the time of subdivision.

(q) The applicant is responsible with providing all of the information required by this section as a part of the preliminary subdivision plan or final plat submittal for review.

Section 47: Revisions to an Approved Preliminary Subdivision.

(a) *Application for Revision.* Before any revision to any approved preliminary plan can be reviewed, the applicant must provide the following to the Planning Director for review:

i. The preliminary subdivision name and Planning Commission approval date, plus the date of any extensions and the dates of any previous revisions, if applicable.

ii. The zoning of the property at the time of the latest Planning Commission approval or extension, and the current zoning.

iii. A description of the proposed redesign/revision, including information concerning proposed changes to lot lines, public or private roads, open space areas, easements, dwelling unit types, and other plan information.

iv. Two (2) copies of the approved preliminary plan and two (2) copies of a drawing showing the proposed redesign/revision.

v. The rationale or reason for the proposed redesign/revision.

vi. The status of the development (e.g., partially complete, engineering plans under review, etc.).

(b) *Minor Redesigns/Revisions to Preliminary Plans*

i. Minor redesigns/revisions to an approved preliminary subdivision plan are to be reviewed within ten (10) days by the Planning Director. The Planning Director may require that the minor redesigns/revisions be re-reviewed under the regulations in effect at the time of the most recent approval or extension of the plan.

ii. The applicant shall be notified within five (5) days if the application is incomplete, or if additional information is required. Incomplete submittals may result in delays, or return of the entire application.

iii. After the entire redesign/revision application and additional information has been submitted, the Planning Director shall determine if the application qualifies as a minor revision. Changes to any of the following factors, or others as determined by the Planning Director, may result in the application being designated as a major revision:

A. Relocation, extension, or deletion of roads, rights-of-way, sections of roads or rights-of-way;

B. Relocation, addition, or deletion of access points, including interparcel connections;

C. Increases in the number of lots or units, significant changes (greater than ten [10] percent) in the average lot size, or major changes to lot configuration;

D. Adjustments in the location, configuration, size, and use of open space;

E. Relocation, addition, or deletion of areas covered by easements; and

F. Changes in dwelling unit types.

iv. If the redesign/revision is considered to be minor, additional copies of the revised preliminary plan shall be requested from the applicant for review by the Department of

Planning and Growth Management for review. Members of the TRC may be asked to participate in the review of the application.

v. The Planning Director shall review the application and may administratively approve the minor revision to the approved preliminary plan. The Planning Director shall formally notify the applicant, and notify any state or county agencies which may have an interest in the decision. The administrative approval of the plan does not affect any expiration dates in effect at the time of minor revision approval.

vi. If the Planning Director does not approve the minor revision, or if the application is not accepted into review as a minor revision, the reasons and regulatory constraints by which the decision was made shall be provided to the applicant within ten (10) days. The applicant shall have thirty (30) days to proceed with one of the following options:

A. Revise the proposal, addressing all the stated issues; the minor revision then returns to subsection (b)iv. above;

B. Resubmit the proposal as a Major Revision to a Preliminary Plan, consistent with subsection ©) below, including any additional fees, if applicable; or,

C. Petition the Planning Commission for reconsideration of the determination of the Planning Director.

(c) *Major Revisions to Preliminary Subdivision Plans.* All major revisions shall be submitted, processed, reviewed, and recommended to the Planning Commission as a new application, as described in these regulations. The revision is to reflect the current zoning, road, adequate public facilities, storm water management, and forest conservation ordinances, as well as any other state or local regulations, as they apply to the revised portion of the plan. Any portion of the plan not affected by the revision is not required to comply, unless that compliance is necessary due to the nature of the major revision. Unless specifically approved by the Planning Commission in accordance with Section 24, the approval of the major revision does not have any effect upon the expiration date of the preliminary subdivision plan.

Section 48: Cluster Subdivisions and Planned Developments

(a) *Cluster Standards.* The design of all Suburban Cluster and Mixed Residential Cluster subdivision shall comply with the design standards of these regulations and the minimum standards of the *Zoning Ordinance*.

(b) *Planned Developments.* All such developments shall be designed and developed according to the standards of these regulations, the *Zoning Ordinance*, the adopted Master Plan and General Development Plan for that development, and any applicable laws and ordinances.

Section 49: Reservation or Dedication of Land for Parks, Open Space, Schools, and Other Public Facilities.

(a) The adequate provision of sites for parks, open space, schools, and other public facilities as indicated in the Comprehensive Plan shall be taken into consideration during the design and subsequent review of the subdivision plan . Where such facilities are shown and located in the Comprehensive Plan, or where the Deputy County Administrator for Planning and Growth Management otherwise determines that a portion of the land is required for such public facilities that are indicated on other plans as approved by the County Commissioners, the applicant shall dedicate the appropriate portion of land to the County; or, be required to reserve such sites for a period not to exceed two (2) years after preliminary subdivision plan approval, during which time the County shall either acquire the property, release the reservation, or make other arrangements agreeable to the applicant.

(b) The Planning Commission, in its discretion, shall require from each subdivision either a dedication of land to the County for public facilities or for recreational purposes. This land can be for a neighborhood or community park, or for a facility to be operated by the County in accordance with the provisions set forth in these regulations.

Section 50: Land Suitability

(a) The Planning Commission may approve preliminary and final plats, or any part thereof, if the subdivider demonstrates that the proposed improvements to the land for a development proposal will make it suitable for the intended use subject to the requirements contained in this and other applicable regulations.

(b) All improvements necessary to make land suitable for development shall be in full compliance with any laws and ordinances regulating such improvements and with any conditions as may be required by the Planning Commission to reduce risks to health and safety.

Section 51: Forest Conservation, Landscaping, and Tree Planting Standards

(a) Priority forests and specimen trees are to be preserved pursuant to the requirements of the *Charles County Forest Conservation Ordinance*, or Chesapeake Bay Critical Area requirements

of the *Zoning Ordinance*. Preliminary and final plats shall indicate the limits of all Forest
Conservation
Easements.

(b) Where extensive natural tree cover and vegetation does not exist, afforestation shall be provided consistent with the *Charles County Forest Conservation Ordinance*.

(c) *Street trees required.* Trees shall be planted along the roadways on the property of any subdivision in a manner approved as a part of the subdivision review process. Such trees are to be planted in a manner consistent with the *Charles County Road Ordinance*. In the Waldorf Activity Center Zones (WC and AUC), a mimimum of one (1) shade tree shall be planted for every forty (40) linear feet of frontage alone public roadways and major private streets. In all other zones, a minimum of one (1) tree shall be planted for every fifty (50) feet of frontage along each road. The Planning Commission, upon recommendation of the Planning Director, may grant a waiver from these requirements. Such waiver shall be granted only if there are trees growing along such right-of-way or on the abutting property which in the opinion of the Planning Commission comply with these regulations.

(d) Within the Development District:

i. In the Waldorf Activity Center Zones (WC and AUC), trees planted in excess of the minimum of one (1) tree per forty (40) feet may be considered for forest retention credit, consistent with the requirements of the *Charles County Forest Conservation Ordinance.*

ii. In all other zones, trees planted in excess of the minimum of one (1) tree per fifty (50) feet may be considered for Forest Retention Credit, consistent with the requirements of the *Charles County Forest Conservation Ordinance*.

Section 52: Habitat Protection Areas

(a) *Habitat Protection Plan*. A plan shall be developed by the applicant, and submitted for review and approval by the Planning Director. The Habitat Protection Plan shall be submitted concurrently with the preliminary subdivision plan application, and subsequently updated and included in the final subdivision plat process, if applicable. The purpose of this plan is to address the protection of the habitats of rare, threatened and endangered species identified in subsection
44(b) of this Article. Requirements contained in other regulations and ordinances may contain additional areas which are subject to protection.

(b) All subdivision plans submitted shall indicate the location of federal and state rare, threatened and endangered species habitats, habitat protection areas identified by the Maryland Department of Natural Resources, and wetlands of special state concern. The applicant shall work with the Maryland Department of Natural Resources, with assistance from County staff to identify and develop habitat protection measures. The habitat protection measures described in the plan shall be incorporated into the overall design of the subdivision in order to minimize adverse impacts and to preserve "habitats of endangered and threatened species".

(c) Notes shall be placed on the preliminary plan and the final subdivision plats outlining protective measures for the identified habitat or species which are confirmed to be in the area. These measures may be in the form of management guidelines, restrictive covenants, deed restrictions, or similar measures if determined by the Planning Director to be appropriate.

Section 53: Chesapeake Bay Critical Area Overlay Zones

The standards and requirements outlined herein shall be considered minimum standards and requirements for this section. Other information required by other regulations may be included, in order to assure consistency and to minimize the possibility of contradictions in information presented in a development proposal.

(a) The development of Habitat Protection Plans in the Chesapeake Bay Critical Areas shall be in conformance with the Habitat Protection Program section of the Charles County Chesapeake Bay Critical Area Program.

(b) General requirements:

i. Land shall be suited for the purposes for which it is to be subdivided. The subdivision shall be laid out as to proper design and improvement, form and dimensions and in relationship to street and lot design as well as proposed and existing land uses in the proposed subdivision and adjoining areas. The land use pattern of the adopted *Comprehensive Plan*, Critical Area Program and the requirements of the *Zoning Ordinance* shall form the basic theme for the design pattern.

ii. Where trees, waterways, scenic points, historic sites and structures or other assets and landmarks are located within a proposed subdivision, the Planning Commission shall not approve the subdivision unless some practical means be taken to preserve these features. Any measures taken in this regard must comply with the Charles County Chesapeake Bay Critical Areas ordinance, and any other relevant regulation.

iii. Where a tract of land bordering tidal water, tidal wetlands or tributary streams in the Critical Area is to be subdivided and a Buffer exemption has not been granted by the County Commissioners, a buffer of at least one hundred (100) feet shall be established and maintained in native vegetation in accordance with the *Zoning Ordinance*. No development, including septic systems, impervious surfaces, parking areas, roads or structures, is permitted in the Buffer, unless specifically permitted by the *Zoning Ordinance*.

iv. If the lot ownership extends to the water, wetlands or stream bed, then the Buffer shall be included in the required setback distance for building on that lot, except in the case of water-dependent facilities. Where the buffer is to be owned and maintained by a Home Owners Association or similar appropriate organization, the required setback distance shall be measured from the property line separating that lot from the designated Buffer. This buffer, when not included in the lots, may be included in calculating the open space required per the *Zoning Ordinance*.

v. The buffer shall be expanded to include contiguous sensitive areas on the parcel which, if developed or disturbed, may impact streams, wetlands or other aquatic environments as determined by the Planning Commission. The expanded Buffer must be shown on plans required for such development or activities. Sensitive areas are defined as follows: hydric soils and soils with hydric properties as designated by the Soil Conservation Service as highly erodible soils with a "K" value greater than 0.35 on slopes greater than five (5) percent, and steep slopes greater than fifteen (15) percent. The buffer shall be expanded according to the *Zoning Ordinance*.

vi. The subdivider shall be required to identify storm water management practices appropriate to site development which achieve the following standards:

A. In areas designated Intense Development Overlay Zone on the Charles County Critical Area Overlay Zone Map, the subdivider shall demonstrate that the best management practices for storm water assure a ten (10) percent reduction of predevelopment pollutant loadings.

B. The subdivider shall delineate those site areas not covered by impervious surfaces to be maintained or established in vegetation. Where vegetation is not proposed, the developer shall demonstrate why plantings for such portions of the site are impracticable. Types of planting and vegetation proposed shall be in accordance with guidelines established in Section 132 of Article VIII of the *Zoning Ordinance*.

vii. In Limited Development and Resource Conservation Overlay Zones, roads,

bridges and utilities serving lots shall be located to avoid disturbances to Habitat Protection Areas. When no alternative exists and such infrastructure must cross or be located in a Habitat Protection Area, the developer shall demonstrate how impacts to habitats have been minimized and that no feasible alternative location of such infrastructure exists.

viii. In the Limited Development and Resource Conservation Overlay Zones, all development activities which cross or are located adjacent to tributary streams in the Critical Area shall be designed in accordance with the *Zoning Ordinance*.

ix. Lots and open space areas shall be located and designed to provide for the maintenance of existing site wildlife and plant habitats, and to provide continuity with those habitats on adjacent sites. Existing wildlife corridors shall be identified on proposed development plats. When wildlife corridors exist or are proposed, they shall include any existing Habitat Protection Areas and connect large forested areas on or adjacent to the site.

x. Impervious surfaces in subdivisions located in Limited Development and Resource Conservation Overlay Zones shall be limited to fifteen (15) percent of the gross site area proposed for development, except that impervious surfaces on any lot not exceeding one (1) acre in size in a subdivision approved after December 1, 1985, may be up to twenty- five (25) percent of the lot.

Section 54: Forest Conservation Easement Plat Notes

All subdivision final plats are to provide the limits and boundaries of any forest conservation easements, all plat notes and requirements as described in the *Charles County Forest Conservation Ordinance*, and the following note is to be placed in the general notes for every subdivision final plat:

"THIS PLAN OF SUBDIVISION IS SUBJECT TO A FOREST CONSERVATION EASEMENT AS RECORDED IN THE LAND RECORDS OF CHARLES COUNTY AND IS ALSO SUBJECT TO A FOREST CONSERVATION PLAN AS FILED IN F.C. FILE #_____ IN THE CHARLES COUNTY PLANNING OFFICE."

Section 55: Historic, Archeological Sites, and Designated Scenic and/or Historic Roads

(a) The preservation of existing features which add value to land development within the County or to the County as a whole, including natural or man-made assets of the County such as historic sites, historic or architecturally significant buildings, scenic and/or historic roads as designed by Charles County per the designation process set forth in the *Charles*

County Zoning Ordinance vistas, archeological resources, and similar irreplaceable assets should be preserved, insofar as possible, through harmonious and careful design.

(b) All preliminary subdivision plans submitted shall show any historic resources identified on the National Register of Historic Places, the Maryland Historic Trust historic sites survey, or the *Charles County Comprehensive Plan* historic sites map, or designated scenic and/or historic roads, and shall identify cemeteries, burial grounds, and known archeological sites.

(c) The significance and integrity of all existing historic and archeological resources within a proposed subdivision shall be evaluated. The applicant shall propose a scheme for the protection and preservation of such resources, which shall be reviewed and subject to the approval of the Planning Commission.

(d) If good cause is shown that a historic resource cannot be preserved, and is accepted by the Planning Commission, that resource shall be documented according to the standards established by the Historic American Building Survey (HABS).

(e) In the case of a proposed subdivision adjacent to a historic or archeological resource, or scenic and/or historic roads, adequate buffering and screening shall be provided.

(f) The applicant shall identify designated scenic and/or historic roads in, or adjacent to, the project area. The applicant shall identify historic and scenic qualities and propose on the preliminary or site plan protection of such resources based on the goal of protecting the scenic or historic qualities of the road per the definitions established in the *Charles County Zoning Ordinance.* Whenever feasible, for development outside of the right-of-way along a designated scenic and/or historic road, proposed project improvements shall be consistent with context sensitive solutions as documented in the *Maryland State Administration Guidelines* for such.

(g) Application of this section shall not result in the loss of otherwise buildable lots. However, this provision shall not be interpreted or used as a means to recover base density that may be lost due to the application of other County, State, or Federal requirements during the normal subdivision review process.

Sections 56 through 57: Reserved

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ARTICLE VI: RECREATIONAL FACILITIES, OPEN SPACE, AND HOME OWNERS ASSOCIATIONS

Section 58: Purpose

In order to implement the Parks and Recreation Plan of the *Charles County Comprehensive Plan* and the *Zoning Ordinance* as it relates to residential subdivision development, all Suburban and Mixed Residential Cluster subdivisions shall provide recreation opportunities consistent with the following standards. As these facilities and other public improvements for a subdivision may be owned by the Home Owners Association for that subdivision, these regulations are intended to provide for the provision of those facilities, and the protection of the rights and responsibilities of the Home Owners Association, the project Developer, and the County.

Section 59: Neighborhood Parks Required

In order to implement the Parks and Recreation Plan of the *Charles County Comprehensive Plan*, all major residential subdivisions shall provide recreation opportunities according to the following subsections.

(a) Subject to the requirements of this Section, all Suburban and Mixed Residential Cluster subdivisions in the RL, RM, RH, RO, PRD, MX, and PMH districts shall provide, through dedication to the County or Home Owners Association per Sections 60 and 62, recreational areas in the form of neighborhood parks. The area set aside for neighborhood parks associated with a development is to be provided based upon the minimum standards set forth in Section 60.

(b) Neighborhood parks shall be calculated as a separate item from the open space requirements of Section 61, but may be incorporated into any open space area, provided that doing so would not conflict with any other regulation or ordinance.

(c) Undeveloped open space shall be designed to preserve important site characteristics and environmentally sensitive areas.

(d) In the case of developments which propose one hundred fifty (150) dwelling units or more, the Planning Commission may require a consolidation of two (2) or more neighborhood parks and the provision of park and recreational equipment, such as playgrounds, picnic areas, and athletic courts. This requirement shall be based upon the guidelines and standards established in the *Zoning Ordinance* for a cluster development.

(e) When park or recreational facilities approved for dedication to the County are completed and accepted, a deed shall be conveyed to the Charles County Commissioners, after which the supervision and maintenance shall be the responsibility of the County.

(f) All Planned Residential Developments and Cluster Developments shall provide the appropriate amount of recreational opportunities as described in Section 59. In these developments, neighborhood parks shall be incorporated into the developed open space provided pursuant to the requirements of the *Zoning Ordinance*, and shall be designed to provide active recreational facilities to serve the residents of the development.

(g) All preliminary subdivision plan applications, including major revisions as defined in Section 47, that are the continuation or an enlargement of a previously approved development submitted for review after the effective date of these regulations shall provide appropriate recreational facilities for the portion of the project as described in the preliminary plan. Additional facilities to serve those portions of the development that have already received preliminary plan approval are encouraged, but are not a requirement for approval. This requirement shall not be interpreted to include revisions to preliminary subdivision plans approved prior to the adoption of these regulations, per Section 8.

Section 60: Recreation Areas Purpose and Standards

(a) *Neighborhood Park.* The purpose of the neighborhood park is to provide adequate active recreational facilities to serve the residents of the immediately surrounding neighborhood within the development. The following are illustrative of the types of facilities that shall be deemed to serve active recreational needs and are therefore considered to satisfy the neighborhood park requirements of this Article: picnic areas with gazebos or pavilions and permanent hearths or grills; swings, slides, activity centers and other playground apparatus suitable for young children.

(b) *Community Parks.* Neighborhood park areas required under this section which are consolidated into areas over one (1) acre shall be considered community parks, and the following types of facilities are illustrative as appropriate improvements, in addition to those enumerated above: tennis, basketball, volleyball, and racquetball courts; swimming pools, sauna and exercise rooms; meeting or activity rooms within clubhouses.

(c) Hiker/biker and/or fitness trails may be incorporated into the design of any park, but may not be substituted for or serve as a neighborhood or community park.

(d) Greenways or linear parks that are shown or designated in an approved State or County plan shall be dedicated by the developer. Greenways or linear parks may serve to meet the neighborhood park requirements of Section 59, provided that sufficient area is provided for passive or active recreational use, besides any hiker/biker and/or fitness trail system.

(e) Each development shall satisfy its neighborhood park requirement by installing the types of recreational facilities that are most likely to be suited to the residents of the development. The Planning Commission shall specifically approve the general nature of the facility improvement for each neighborhood and community park as a part of the preliminary plan approval process. Unless specifically waived by the Planning Commission, at least fifteen (15) percent of the neighborhood park must be satisfied by the construction of "tot lots" (i.e., areas equipped with imaginative play apparatus oriented to younger children as well as seating accommodations for parents).

(f) The minimum area provided for neighborhood parks shall not be less than five thousand (5000) square feet per development, and shall be designed to meet the following criteria:

i. The area required by this section can be divided into neighborhood or community park areas distributed throughout the development, provided that no neighborhood park recreation area is less than five thousand (5000) square feet.

ii. *Park Guidelines*.

A. *Park Location*. Neighborhood parks shall generally be located within two thousand (2000) feet of the neighborhood served, with safe pedestrian access; community parks must be located in a central location within or adjacent to the development, that is pedestrian accessible to a majority of the residents of the development.

B. *Park Visibility*.

1. Neighborhood parks shall be visible from the surrounding residential properties or public roads for at least sixty-six (66) percent of its perimeter.

2. Community parks shall have frontage on a public road classified as a major collector or greater, unless specifically approved by the Planning Commission.

C. *Access*. All neighborhood and community parks are to have clearly defined edges, using landscaping, fences, lighting, roads, or other physical means, without restricting pedestrian or vehicle access at points of entry. Access shall not be permitted across fee-simple residential lots to any neighborhood or community park. The impacts of any community park facility to surrounding residential properties are to be minimized.

iii. *Required Park Area*. Neighborhood park area required per preliminary subdivision plan or land bay shall be provided according to the following calculation; the minimum size for any neighborhood park is five thousand (5000) square feet, unless specifically approved by the Planning Commission:

Requirement per Development (or Phase) = 200 sq.ft. + (60 sq.ft. per Unit x C)
(in sq. ft.)

where 200 = base minimum per development or phase
60 = per unit Recreation Area multiplier
C = Number of Units per preliminary subdivision plan
(or per Residential Land Bay, for Planned Developments)

iv. For phased developments, each phase shall be calculated separately and provide the appropriate amount of neighborhood park space and facility improvements, unless a community park of over five (5) acres and with facility improvements is provided and specifically approved by the Planning Commission.

(g) Neighborhood parks shall be landscaped and shall be provided with sufficient natural or man-made screening or buffer areas to minimize any impacts upon adjacent residences.

(h) Each neighborhood park shall be constructed on land that is capable of serving the purposes intended by this Article.

(i) Each neighborhood park shall be physically separated from any road classified as a major collector or greater, or other hazards. Separation is to be provided from any storm water management facility, unless that facility is specifically designed as an amenity to the site, and approved by the Planning Commission. Separation may be achieved through distance, screening, fencing, or other means which do not detract from the use and enjoyment of the park.

Section 61: Provision of Open Space

(a) *Common Open Space.* Spaces designed and intended for the use and enjoyment of all residents of the development are to be provided as open space when required by this Ordinance. Such areas may contain neighborhood and community parks as described in Section 60, as well as any improvements which are necessary and appropriate for the use, benefit and enjoyment of the common open space by the residents of the development. Common open space is to provide for the protection of existing site features. Use of agricultural lands to meet open space requirements shall be encouraged when the site contains few significant natural features. Common open space areas shall meet the following requirements:

i. Open space areas shall be exclusive of tidal wetlands, road rights-of-ways/parking areas, but may include areas of farmland under active production. Open space areas may coincide with utility easements and/or rights-of-way, provided that there are no buildings or structures located within the open space area, the owner of the easement or right-of-way grants written approval prior to preliminary plan approval, and the dual use of the area is specifically approved by the Planning Commission during the preliminary subdivision plan and final plat processes.

ii. Common open space may serve recreational purposes, and should preserve significant site features and productive farmland. The uses authorized shall be appropriate to the intended purpose of the open space, as described on the preliminary subdivision plan. Open space designed to serve recreational purposes shall be consistent with the scale and character of the residential development.

iii. Common open space will be suitably improved for its intended use, except that common open space containing natural features or farmland worthy of protection may be left unimproved. The buildings, structures, and improvements to be permitted in the common open space must be appropriate to the uses which are authorized for the common space; no buildings or structures for recreational use may be placed in a utility easement, as described in Section 92.

(b) All lands which encompass areas or roads designated for greenways, bike trails (including those along public roads), or other interparcel recreation and non-vehicular network shown on adopted or approved County or State plans shall incorporate the appropriate features into the design of the subdivision.

(c) Pedestrian trails and any similar features such as sidewalks shall be provided, and coordinated and/or linked to similar trails or sidewalks on surrounding properties. Future links to adjoining, undeveloped property are to be provided, as well as access to neighboring commercial areas. The design and construction of this non-vehicular system is to be consistent with the road ordinance; however, such trails are not to be located on the side or rear of any private lots less than three (3) acres in size within a residential subdivision.

(d) *Park Phasing Plan required*.

i. A Phasing Plan for the completion of recreational facilities is to be provided in a general manner as a part of the preliminary subdivision plan general notes for any subdivision of greater than fifty (50) units, and is to provide for the completion of the recreational facilities for each phase prior to the release of building permits for the last ten (10) percent of the units in that phase, unless specifically approved by the Planning Commission. The final subdivision plat is to conform to the phasing plan, subject to the revision process as described in these regulations.

ii. Subdivisions of less than fifty (50) dwelling units will not be required to have a Phasing Plan, and the construction of any recreational facilities may take place at any time prior to the release of a building permit for the construction of the last ten (10) percent of the units in these cases.

(e) *Preliminary Subdivision Plan Recreation Information Requirements*. As a part of the Phasing Plan, the following information is to be provided:

i. Area calculation, based upon the formula provided in this section;

ii. Area of each neighborhood and community park; and

iii. General description of the equipment and improvements to be provided.

(f) *Final Subdivision Recreational Requirements*. Prior to the approval of the final subdivision plat, the developer shall provide a detailed list and description of the area, equipment, and other improvements to any neighborhood and community park. This information is to be incorporated into the bonding and improvements process as provided in these regulations.

Section 62: Open Space Requirement - Ownership

(a) *Private Ownership*. If joint use facilities are not dedicated to public use, the developer shall certify on the final subdivision plat, pending the acceptance of that certification by the Planning Commission, that they shall be protected by legal arrangements sufficient to assure their maintenance and preservation for whatever purpose they are intended. Those covenants or other legal arrangements shall specify ownership of the open space, method of maintenance, payment of taxes and insurance, compulsory membership and compulsory assessment provisions and guarantees that any association formed to own and maintain open space will not be dissolved without the providing for the perpetual care, maintenance, upkeep, and safety of the facilities.

(b) *Open Space*. If the Planning Commission finds that the size, location, type of development, or cost of development or maintenance of such open space or the availability of public open space would make public use desirable and necessary, then the open space shall be made available for the use of all residents of Charles County. The Planning Commission generally will require dedication and conveyance of any areas that are indicated for acquisition in the adopted Recreation and Parks Plan.

Section 63: Management of Common Open Space Property

(a) The developer shall certify, pending the acceptance of that certification by the Planning Commission during the approval of the final subdivision plat, that the common open space and improvements not dedicated and accepted for public ownership will be maintained and cared for. The developer shall also certify that an organization for the ownership, maintenance and preservation of open space has been established in conformance with the following standards and procedures:

i. The organization shall be established by the developer before the final approval of the subdivision plat.

ii. The financial and organizational structures, rules of membership, and methods of cost assessment of the organization shall be devised to ensure the successful fulfillment of the maintenance, preservation and improvement responsibilities of the organization.

iii. The organization responsible for maintenance, preservation, and improvement of common open space lands, and all property owners within the cluster development shall be permitted to participate in such organization.

iv. Areas set aside to meet the open space requirements hereof shall be adequately described. Instruments in the form of deed restrictions and/or covenant shall be provided to ensure the purpose for which the open space is provided will be achieved. Compliance with the above shall be demonstrated to the Department of Planning and Growth Management and the County Attorney's Office prior to recordation among the Land Records of Charles County.

(b) *Letter of Certification*. The certification provided by the developer as apart of the final subdivision plat approval process must list the individual documents and their purpose, and also state that the documents do not contain any contradictory provisions between them. Such documents may include, but not be limited to, the following Homeowners Association documents:

i. *Declaration of Covenants*;

ii. *Articles of Incorporation*;

iii. *Bylaws of the Association*;

iv. Other relevant project documents, including the facilities inventory required per subsection 65(b).

(c) The following certification is to be provided on the index sheet of the final subdivision plat, or on each plat sheet for the subdivision plat, and signed by the developer prior to the signature of the Planning Commission Chairman:

Home Owners Association Certification for _____
(Development Name)

It is hereby certified that all appropriate Home Owners Association Covenants, Articles of Incorporation, Bylaws or other documents have been devised and established in a manner consistent with State and County Regulations.

_____
(Development Name)

_____
(Development Firm)

_____
(Owner/Agent) (Date)

Section 64: Bond for Improvements

(a) A bond is required for all public facilities as defined by these regulations, in a manner consistent with this section and as required by other County regulations.

(b) Prior to the recordation of the final plat, the owner or developer shall provide a surety acceptable to the County in an amount as specified by the Department of Planning and Growth Management, which shall be submitted in the same manner as described in Section 29, which surety shall secure an agreement to construct such required public facilities and related physical improvements as identified in the approved Improvement Plan.

(c) *Property to be owned by Home Owners Association*. Recreational facilities, storm water conveyance, storm water management facilities, and other improvements located on property to be owned by a Home Owners Association must be bonded per these regulations, and are to be inspected by the Department of Planning and Growth Management as required by subsection 65(b) prior to the release of the entire, or any part of, the posted bonds and agreements related to those facilities.

Section 65: Home Owners Associations

(a) Home Owners Associations or similar legal entities that, pursuant to Sections 62 and 63, are responsible for the maintenance and control of common areas, including recreational facilities,

open space, storm water conveyance, and storm water management facilities shall be established by the developer in such a manner that:

i. Provision for the establishment of the association or similar entity is made before any lot in the development is sold or any building occupied;

ii. The association or similar legal entity has clear legal authority to maintain and exercise control over such common areas and facilities, as shown on the final subdivision plat and the facilities inventory;

iii. The association or similar legal entity has the power to compel contributions from residents of the development to cover their proportionate shares of the costs associated with the maintenance and upkeep of such common areas and facilities.

(b) *Transfer of Home Owners Association Facilities to Residents*

i. No less than two (2) weeks prior to the formal transfer of the Home Owners Association maintenance responsibilities from the developer to the Home Owners Association which represents the residents of the development, the developer shall formally notify the residents of a scheduled "walkthrough" inspection of all facilities. Verification of this notification shall be provided to the Department of Planning and Growth Management; arrangements for representatives of the Home Owners Association and accompanying County inspector, are the responsibility of the developer.

ii. The "walkthrough" is to inspect and identify those items shown on the facilities inventory, such as, but not limited to, open space areas, neighborhood parks, storm water conveyance, storm water management facilities, or other aspects of the development shown on the facilities inventory which are identified as becoming the responsibility of the Home Owners Association. This list and inspection shall not involve any facility to be conveyed to the County, State, or other public entity.

iii. Upon completion of the "walkthrough", the developer shall provide to the Board of the Home Owners Association or the County a written statement of the rights and responsibilities of the Association. That statement shall include a written acknowledgment that all public and private facilities and amenities have been constructed and completed, in accordance with specifications as described on the Improvement Plan which was submitted by the developer, and as approved by the County.

iv. If the conditions of the improvements or other amenities are found to be unacceptable or incomplete by the Home Owners Association or the County, or if the Home Owners Association is unwilling to agree to the acceptance of the facilities, the transfer of responsibility shall not occur. In this case, the County inspector shall prepare

a written report and recommendation to the Deputy County Administrator for Planning and Growth Management within one (1) week of the inspection.

v. Cases of disagreement as to the condition or the repair responsibilities prior to the transfer are to be reviewed and resolved by the Deputy County Administrator for Planning and Growth Management and the County Attorney, based upon the facilities shown on the approved preliminary subdivision plan, the Improvement Plan, the *Zoning Ordinance*, and these regulations.

vi. Performance bonds or Developer's Agreements associated with any Home Owners Association private facilities or amenities shall not be released until Home Owners Association agrees in writing to the acceptance of the facilities. If the Association does not agree to accept the facilities, the performance bond or surety may be released provided that the Deputy County Administrator for Planning and Growth Management and the County Attorney determine that the facility as provided fulfills the requirements of the Improvement Plan as approved. The performance bond or surety may then be processed and released as described in Section 30 of these regulations.

(c) *Developer Certification*. The developer is to provide a written facilities inventory to the County for review; this inventory is to accompany the first submittal of the final plat. The developer is to acknowledge that all public and private facilities will be conveyed to the Home Owners Association and the County as shown on the inventory, and are to be completed and in place prior to conveyance. The County will review and approve the facilities inventory which describes the bondable items prior to the approval of the subdivision final plat.

(d) *Facilities Inventory*. This document shall be submitted and approved concurrently with the final subdivision plat submission, and is to include an itemized inventory of all parcels, storm water conveyance, storm water management facilities, recreational areas (such as but not limited to picnic areas, swings, slides, activity centers or other playground apparatus, hard or soft surfaced athletic courts, swimming pools, sauna or exercise rooms, meeting rooms, clubhouses, hiker/biker/fitness trails, greenways or linear parks), and any other physical aspect of the project which are to become the responsibility of the Home Owners Association. This list shall document the items and areas to be reviewed during the "walkthrough" described in subsection (b)ii above.

Section 66: Flexibility in Administration Authorized

(a) The requirements set forth in this Article concerning the amount, size, location, and nature of recreational facilities and open space to be provided in connection with residential developments are established by the County as standards which can be presumed to result in the provision of that amount of recreational facilities and open space that is consistent with officially adopted County plans. The County recognizes, however, that due to the particular nature of a tract of land, or the

nature of the facilities proposed for installation, or other factors, the underlying objectives of this Article may be achieved even though the standards are not adhered to with mathematical precision. Therefore, the Planning Director is authorized to permit minor deviations from these standards whenever it determines that:

i. The objectives underlying these standards can be met without strict adherence to them; and

ii. Because of peculiarities in the developer's tract of land or the facilities proposed it would be unreasonable to require strict adherence to these standards.

(b) Whenever the Planning Director authorizes some deviation from the standards set forth in this Article pursuant to subsection (a) above, the official record of action taken on the development shall contain a statement of reasons for allowing the deviation.

Sections 67 through 70: Reserved

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ARTICLE VII: ROADS AND SIDEWALKS

Section 71: Purpose

These standards are provided to assist in the design and analysis of subdivision plan proposals. The information contained herein is to be used in conjunction with the *Charles County Road Ordinance* and *Zoning Ordinance* to determine the nature of a subdivision road or street, and to determine the specific design considerations and other aspects as they may apply. In the case of any conflict between these regulations and other County ordinances, the more restrictive design standard shall apply.

Section 72: Functional Classification of Roads

(a) Public roads shall be classified in a hierarchy system with design tailored to function. The functional classification of public roads shall be based on the following criteria:

i. The function of the road within the local road network;

ii. The projected Average Daily Traffic (ADT), calculated by trip generation rates prepared using the latest edition of the Institute of Transportation Engineers Trip Generation Manual. Trip generation rates from other sources may be used if the applicant demonstrates that these sources better reflect local conditions; and

iii. The ADT limitation criteria as provided below.

(b) All public roads within and adjacent to a subdivision shall be assigned one of the following functional classifications:

i. *Local and Minor Roads.* A public roadway contained within a public right-of-way to provide access to single or multi-family dwellings, and/or commercial areas and which may be connected to other streets or local roads. Such roads should be designed to accommodate up to one thousand (1000) trips per day. Only roads or streets which are classified as such in the *Charles County Road Ordinance* shall be considered.

ii. *Collector Street.* A public roadway which, in addition to providing access to properties abutting thereon, is intended to collect traffic from, and distribute it to, a series of streets within a neighborhood. Such roads should be designed to accommodate between one thousand (1000) and three thousand (3000) trips per day for minor collectors, and over three thousand (3000) trips per day for major collectors serving only one development. Roads serving more than one development, or connecting two or more minor collectors,

and are expected to handle more than one thousand (1000) trips per day shall be considered as major collectors.

iii. *Parkway.* A roadway classed as a major collector, intermediate arterial, or a minor arterial, which serves one or more developments, and incorporates a planted or landscaped median and limited direct access from adjoining properties. Roads designated as parkways shall be designed and built according to the appropriate minor arterial design standard found in the *Charles County Road Ordinance*.

iv. *Arterial.* A major road in the transportation system that is designed to carry a high volume of traffic. These roadways serve as conduits for interstate, intrastate, cross county circulation of traffic, and are described and indicated in the *Comprehensive Plan*.

v. *Marginal Access Road.* A service or frontage road that is parallel to and adjacent to an arterial road and that is designed to provide access to abutting properties so that these properties are somewhat sheltered from the effects of the through traffic on the arterial road, and to assure that the flow of traffic on the arterial road is not impeded by direct driveway access from a large number of abutting properties. These roadways are to be privately maintained in commercial areas, except as specifically approved by the Planning Commission. Such roads may be either designated for public or private maintenance in residential developments, as approved by the Planning Commission.

vi. *Waldorf Urban Road Classifications.* Roads within the Waldorf Central and Action Urban Center Zones shall be assigned the appropriate classification as indicated in the Downtown Waldorf Vision Plan and Design Guidelines. Traffic volumes for Waldorf urban roads shall be stated in the Downtown Waldorf Vision Plan.

(c) Whenever a subdivision road continues an existing road that formerly terminated outside the subdivision or it is expected that a subdivision road will be continued beyond the subdivision at some future time, the classification of the road will be based upon the road in its entirety, both within and outside of the subdivision.

Section 73: Coordination with Surrounding Roads, Sidewalks, and Trails

(a) The road system of a subdivision shall be coordinated with existing, proposed, and anticipated roads outside the subdivision or outside the portion of a single tract that is being divided into lots (hereinafter, "surrounding roads") as provided in this section.

(b) Collector roads shall intersect with surrounding collector or arterial roads at safe and convenient locations, in a manner consistent with the *Charles County Road Ordinance*.

(c) Local and minor public roads shall connect with surrounding roads where necessary to permit the convenient movement of traffic between residential neighborhoods or to facilitate access to neighborhoods by emergency service vehicles or for other substantive reasons, but connections shall not be permitted where the effect would be to encourage the use of such roads by substantial through traffic.

(d) Whenever connections to anticipated or proposed surrounding roads are required by this section, the road right-of-way shall be extended and the road developed to the property line of the subdivided property, or to the edge of the remaining undeveloped portion of a single tract, at the point where the connection to the anticipated or proposed road is expected. The construction drawing for these extensions are to include proper signage, curb returns, drainage system, and other construction details. The design and construction of these connections are required, unless specifically waived in part or completely by the Planning Commission. Such roads over two hundred and fifty (250) feet in length, or which have a length greater than one (1) lot depth shall be terminated in temporary turnarounds, and the Planning Commission may require that the temporary turnaround be designed to accommodate public or emergency vehicles.

(e) Subdivisions shall connect to existing temporary turnarounds, temporary cul-de-sacs, interparcel connector stubs, or pedestrian access points such as sidewalks, hiker/biker trails or fitness trails. Variations from this requirement shall be specifically approved by the Planning Commission.

(f) Whenever the proposed subdivision contains, or is adjacent to a railroad right-of-way, arterial or expressway rights-of-way, or conflicting changes in land uses, the Planning Commission may require marginal access roads, reverse frontage lots, lots with rear service, or other such treatment as may be necessary for protection of abutting properties and to afford separation of conflicting types of traffic or land use.

Section 74: General Layout of Roads

(a) *Loop roads* are encouraged so that through traffic on residential roads is minimized. Similarly, driveway access to collector roads shall be minimized to facilitate the free flow of traffic and avoid traffic hazards.

(b) *Permanent dead-end roads* shall terminate in cul-de-sacs in accordance with the standards set forth in the *Charles County Road Ordinance*. Except where no other practicable alternative is available, the ADT on such roads are not to be designed to exceed one thousand (1000) trips per day. Greater traffic loading on all dead end roads may be approved by the Planning Commission in cases of unusual topographic or other conditions. In such cases, the Planning Commission may require additional paving width or a change in road classification to assure adequate carrying capacity for the road.

(c) Any public road providing the sole access to a development, or a portion thereof, shall not be designed to exceed one thousand (1000) trips per day. Any development generating more than one thousand (1000) trips per day shall be required to have a secondary point of access. If a second access point to the development or the given section cannot be provided, then a variation may be approved by the Planning Commission which is found to provide for safe and efficient ingress and egress. In cases of unusual topographic or other conditions, the Planning Commission may approve an alternative design and phasing scenario to provide for or to assure adequate carrying capacity for the road.

(d) Any residential subdivision development, or portion thereof, which contains five hundred (500) units, must have direct access to at least one (1) major collector roadway. Those developments, or portions thereof, which have more than one thousand (1000) units must have access to a parkway or minor arterial, plus at least one (1) other road classified as a major collector or greater. Any variation from this requirement must be approved by the Planning Commission, and must include specific design characteristics and phasing for the alternative proposal.

(**e**) *Half roads not permitted*. Roads of less than the full required right-of-way and pavement width shall not be permitted except where such roads, when combined with a similar road (developed previously or simultaneously) on property adjacent to the subdivision, creates or comprises a road that meets the right-of-way and pavement requirements of this chapter. When roads are constructed adjacent and parallel to an adjoining property, the right-of-way shall be established at the common property line.

(f) Roads shall be related appropriately to the topography. In particular, roads shall be designed to facilitate the drainage and storm water runoff objectives set forth in the *Charles County Stormwater Management Ordinance*, and road grades shall conform as closely as practicable to the original topography.

(g) The maximum grade at any point on a road shall be consistent with the standards of the *Charles County Road Ordinance*.

(h) Roads shall intersect as nearly as possible at right angles, and no two roads may intersect at less than the angle specified in the *Charles County Road Ordinance*. Roundabouts or traffic circles may be approved by the County Highway Engineer after application for a waiver from the requirements of the *Road Ordinance*. Preliminary approval for such a design must be granted by the County Highway Engineer prior to Planning Commission consideration.

(i) Whenever possible, proposed intersections along one side of a road shall coincide with existing or proposed intersections on the opposite side of such road. The minimum distance between the intersections of all roads shall be controlled by the *Charles County Road Ordinance*.

(j) Portions of a development that are reserved for future conveyance to the County or the

State for road rights-of-way or other uses, but are not to be deeded and conveyed at the time of final plat approval, shall be clearly labeled as reserved for conveyance at no cost to the County or State consistent with the requirements of Section 32.

Section 75: Requirements for Development Adjoining Existing Roadways

Whenever a subdivision is proposed abutting an existing public roadway that does not meet the right-of-way width, pavement width, and pavement detail standards contained in the *Road Ordinance* for the functional classification of the road the following requirements shall apply:

(a) The developer shall be required to deed to the County all rights-of-way required on the property to achieve half of the width of the ultimate right-of-way necessary to comply with the standards contained herein, or as shown on an approved State or County engineering plan.

(b) Roadway and frontage improvements or reconstruction, including paving, curb, gutter, and sidewalk where appropriate, shall be required for all commercial subdivisions, or major residential subdivisions, to provide the full cross section requirement as specified in the *Charles County Road Ordinance* for roads located completely within the property. In the case of frontage roads, the developer shall be required to provide roadway and frontage improvements or reconstruction along the frontage of the development proposed as necessary to achieve half of the ultimate design section. The physical construction of such improvements by the developer shall be required. In those cases where there is a project which is not fully funded for construction in the Charles County Capital Improvements Program, the Planning Commission may permit or require a cash payment or a long-term performance bond in lieu of construction. All funds or bonds so provided shall be deposited in a designated account for that specific facility, and expended by Charles County for that project.

(c) Where any major subdivision adjoining an existing unpaved road, or where the existing pavement width is less than the standard found in the *Charles County Road Ordinance* for that road, the new development shall improve that road to the appropriate paved road section to the extent feasible within County or State owned right-of-way, from the intersection of the point of access to the project to the first public roadway with a pavement width of acceptable standard per the *Road Ordinance*.

Section 76: Planned Improvements

Whenever a tract to be subdivided adjoins or embraces any part of a public road so designated in the Transportation Plan section of the *Charles County Comprehensive Plan*, such part of said public road shall be platted and dedicated by the subdivider in the location and at the width indicated on the plan. The exact location shall be established through coordinated review with State and County officials, and approved by the Planning Commission.

Section 77: Sidewalk Requirements

(a) Sidewalks, trails, and other means of pedestrian circulation shall be included along the frontage of all subdivisions within the Development District for all roads classified as major collectors or greater, unless specifically not required by the Planning Commission. Where a sidewalk or trail exists or is approved for construction on a neighboring property, then the new sidewalk or trail is to be designed in a manner promoting the development of a larger network. All pedestrian systems shall be constructed to meet the standards of the *Charles County Road Ordinance*, and maintained by the Home Owners Association or individual property owner, except as specifically required to be maintained by the County or State.

(b) The sidewalks required by this section shall be at least four feet in width and constructed according to the specifications set forth in the *Charles County Road Ordinance*, except that the Department of Planning and Growth Management may approve the installation of walkways constructed with other suitable design and materials when it concludes that:

i. Such walkways would serve the residents of the development as adequately as concrete sidewalks; and

ii. Such walkways would be more environmentally desirable or more in keeping with the overall design of the development.

(c) If the Planning Commission finds that a means of pedestrian access is necessary from the subdivision to schools, parks, playgrounds, or other roads or facilities and that such access is not conveniently provided by sidewalks adjacent to the roads, the developer may be required to provide an unobstructed easement of at least ten (10) feet in width, with the installation of a surfaced path to the site property line, to provide such access.

Section 78: General Construction Standards and Specifications

(a) Construction and design standards and specifications for roads, sidewalks, and curbs and gutters are contained in the *Charles County Road Ordinance*, and all such facilities shall be completed in accordance with these standards.

(b) All roadway bridges shall be constructed in accordance with the standards and specifications of the Maryland State Highway Administration.

(c) Pedestrian bridges may be approved if designed by a licensed architect or engineer, and are to be based upon Maryland State Highway Administration standards, or other applicable state or federal standards.

(d) Utilities installed in public rights-of-way shall conform to the requirements set forth in the *Charles County Road Ordinance*.

Section 79: Access to Public Roads

(a) *Driveway Access to arterial and collectors not permitted*. Driveway access may not be provided from lots within a major subdivision to a parkway or arterial road. Driveway access to collector roads for any subdivision may also be limited or prohibited based on the amount of traffic carried and the function of the road within the local road network. Where driveway access from a major subdivision to a collector road may be necessary for several adjoining lots, or for a minor subdivision to any road classified as a collector road or greater, the Planning Commission may require that such lots be served by a shared access driveway in order to limit possible traffic hazard on such road. The developer is responsible for demonstrating that an alternative access route cannot be used for that lot.

(b) *Lot Design and Collector Roads.* Where a subdivision adjoins or embraces an existing or proposed collector road or greater classification, the Planning Commission may require that the subdivision be designed so that lots are accessed from a parallel local street, and do not access onto the collector road or greater classification. If the lot is oriented so that the rear or side of the building is towards the collector road or greater classification, screening and buffering shall be provided along the property line of such lots.

(c) *Shared Access Driveways.* Access to adjacent lots with frontage on a public road may be provided by a shared access driveway. Shared access driveways shall be designed consistent with the standards for private drives specified in the *Charles County Road Ordinance*.

(d) *Driveway Entrances*. All driveway entrances and other openings onto roads within the County jurisdiction shall be constructed so that:

i. Vehicles can enter and exit from the lot in question without posing any substantial danger to themselves, pedestrians, or vehicles traveling on abutting roads; and,

ii. Interference with the free and convenient flow of traffic on abutting or surrounding roads is minimized.

(e) Specifications for driveway entrances are set forth in the *Charles County Road Ordinance*.

Section 80: Private Rights-of-Way and Access Easements

(a) The Planning Commission shall not approve any preliminary or final subdivision which proposes, creates or leaves as residual a landlocked parcel of land.

(b) *Private Rights-of-Way.* New lots for single family detached buildings may be provided on a private right-of-way only after receiving a modification per Section 104 of these regulations from the Planning Commission, and according to the following criteria:

i. All lots must be greater than three (3) acres in size, and be for single family detached dwelling units or agricultural uses;

ii. A private right-of-way being created with the proposed subdivision is a fee simple portion of the parcel being subdivided, and provides the sole access for the area being subdivided;

iii. Use of existing private rights-of-way for new lots being created are only permitted where the parcel being subdivided does not have frontage on a public road;

iv. There can be no more than five (5) lots for single family detached dwellings using the private right-of-way as a shared access.

(c) *Attached Dwelling Units*. Subject to the requirements of the Charles County *Zoning Ordinance* and *Road Ordinance*, attached dwelling units may have frontage on private drives.

(d) *Access Easements.* Access easements not considered to be public or private streets shall be permitted to provide sole access to a residential lot only after receiving a modification per Section 104 of these regulations from the Planning Commission.

(e) *Shared Access Easements.* Access easements that are not for the sole purpose of access from a public road, and are primarily provided for convenience and/or improved flow of traffic between adjoining commercial properties, may also be fully regulated by the Planning Commission.

(f) *Agricultural Shared Access Easements (defined in Section 12).* Agricultural shared access easements not considered to be public or private streets shall be permitted to provide sole access to a residential lot only after receiving a modification per Section 104 of these regulations from the Planning Commission, and according to the following criteria:

i. The parcel from which new lots are created on agricultural shared access easements shall meet the minimum requirements for inclusion in and shall be subject to covenants, conditions and restrictions of an Agricultural Land Preservation District or easement program, or other conservation easement that restricts the uses of the property to agriculture or forestry.

ii. New lots created on agricultural shared access easements shall be permitted at a density of no more than one lot per full fifty (50) acres and shall not be subject to further subdivision. Pre-existing dwellings, defined as dwellings in existence as of June 19,

2008 do not count against the one lot per full fifty (50) acre density.

iii. New lots created on agricultural shared access easements shall be for bonafide intrafamily transfers to immediate family members who are engaged in the operation of the farm and only on parcels that were recorded on or before June 1, 1976. Immediate family is defined as father, mother, son, daughter, grandfather, grandmother, grandson, granddaughter, stepparents, stepchildren and legal wards and guardians.

iv. A notation shall be placed on the final subdivision plat denoting the lot(s) and residue created under these provisions.

v. Lots created pursuant to these provisions shall not be for the purposes of ultimate commercial sale. A lot created pursuant to these provisions may not be subsequently conveyed to any person except where the conveyance is to a member of the owner's immediate family; or where the conveyance of the lot is part of a default on a mortgage or deed of trust.

vi. Any lot created under this subsection may not be transferred or sold to a third party, who is not a member of the owner's immediate family or holder of a mortgage or deed of trust on the property, unless and until the Planning Commission has determined that a change in circumstance has occurred since the original transfer, which would warrant permitting a subsequent transfer, when such circumstances are consistent with the warrants and exceptions contained herein; or other circumstances necessary to maintain land areas to support protective uses of agriculture and forestry. The termination of covenants, conditions and restrictions of an agricultural land preservation district or easement program, or other conservation easement that restricted the uses of the property to agricultural or forestry shall not be considered a change in circumstance. Deeds of transfer shall include a covenant stating that the lot is subject to the provisions of this subsection. These covenants shall restrict the subsequent transfer or sale of a lot or lots created by the intrafamily transfer provisions contained herein to a third party who is not a member of the owner's immediate family or a holder of a mortgage or deed of trust on the property, except as provided in this subsection.

vii. Any lots utilizing an agricultural shared access easement shall be at the minimum size permitted by the base zone and located to minimize impact to the agricultural or forestry operation.

(g) Applicants proposing subdivisions involving new or existing private rights-of-way or access easements must demonstrate that all property owners which access the private right-of-way or access easement have a legal right to do so; in addition, the applicant must also provide a deed agreement for all property owners of existing and proposed lots providing for future maintenance of the right-of-way or easement.

Section 81: Handicapped Accessibility

Whenever curb, gutter and sidewalk construction is used on public roads, wheelchair ramps for the handicapped shall be provided at all intersections and other major points of pedestrian flow. Wheelchair ramps and depressed curbs shall be constructed in accordance with published standards.

Section 82: Road Names and House Numbers

(a) *Road Names.* All roads, both public and private including easements, and house numbers will be reviewed for compliance with the Charles County Road Name Policy during preliminary subdivision plan review. Road names and address numbers shall be finalized with the County as a part of the final plat approval, and shown on the final plat.

(b) *Private Road Signage.* All private roads and access easements created by final plat subsequent to the adoption of these regulations which receive an approved name designation from the County shall have a sign installed at all intersections with public and private roads. Each sign will clearly indicate that the road or access easement is a private road, drive, or place, and not subject to County Maintenance. This may be achieved through a specific marking, symbol, or sign attachment approved by the County.

Section 83: Reservation of Land for Right-of-Way and Other Public Uses

(a) The Planning Commission, when reviewing a preliminary plan or final plat, shall refer to the comprehensive plan, master plans, or amendments and parts thereof, capital improvement plans and other policy documents directing public projects, to determine the need for reserving for public use any of the land included in the preliminary plan, final plat or site plan. Reservations may be required for public purpose projects, including, but not limited to:

(1) Highway, transit, or street rights-of-way; when a clearly defined and preferred alignment has been selected by the authority having jurisdiction. In the case of county projects, the authority shall be the county commissioners.

(2) Public building sites;

(3) Recreational sites;

(4) Other public purposes.

(b) Notice of public hearing shall be given to the property owners and shall be advertised in the county newspaper of record at least fourteen (14) days prior to the hearing date.

(c) If a decision is made to place a property in reservation, notice of the reservation shall be sent to the property owner(s), and to the governmental agency concerned with the acquisition.

(d) Final plats for the property shall be in strict conformity with the public reservation. A portion of the property may be recorded if the design of the subdivision or site is fully functional without the reserved area.

(e) The Planning Commission shall cause the applicant to prepare a plat of any land reserved for public use under the provisions of this regulation, showing the survey location of the land, names and addresses of the owners, and any other information required for its proper indexing and for filing among the land records of Charles County. The plat shall comply with all requirements for recording of plats among the land records of Charles County, and shall be duly recorded.

(f) If land designated for reservation is on property proposed for commercial development, then that land so designated shall be shown on plans or plats as open space area to the extent feasible and will be used to satisfy the requirements for open space, green area, pervious surface area, or landscaped buffer for that project. If the Planning Commission finds that a proposed commercial development cannot be redesigned to accommodate a proposed reservation of land and still preserve the allowable intensity of development, then the applicant may request approval by the County Commissioners for a modification of the design standards in order to mitigate for the impacts associated with the reservation of land for public use.

(g) If land designated for reservation is on property proposed for residential development, then, in lieu of reserving road right-of-way as described above, an applicant may preserve for dedication a right-of-way by re-designing the proposed subdivision of land consistent with the following criteria:

(1) Lots may be designed to avoid interference with the proposed public purpose project by using the lot design standards for a cluster development set forth in Article XIV, Figure XIV-2 of the Charles County Zoning Ordinance.

(2) Land will be preserved and dedicated for the intended purpose until such time as the authority having jurisdiction accepts the dedication or abandons the public purpose project.

(3) Notwithstanding Article VI of these regulations, open space or recreational amenities may not be required for the project; however, if the public purpose project is abandoned and the authority does not accept the dedication, land set aside for the public purpose project must be used for open space, another public purpose for the benefit of the residents in the subdivision or the general public, or a

compatible use approved by the Planning Commission.

(h) If the Planning Commission finds that a proposed residential subdivision can not be redesigned to accommodate a proposed reservation of land as provided for in Section 278-83.g and still preserve the allowable residential density, then the applicant may request approval by the County Commissioners for the use of more compact housing types such as single-family attached and multi-family housing to shift the allowable dwelling units outside the proposed land reservation area. County Commissioners approval of alternative dwelling types is subject to the following:

(1) Single family attached or multi-family dwelling units shall comply with the minimum standards for such uses in the planned residential development (prd) zone set forth in the Zoning Ordinance; and

(2) The siting and architectural design of the dwellings shall be approved by the Charles County Site Design and Architectural Review Board.
[Amended September 26, 2003 by Bill No. 2003-06.]

Section 84: Regulations of Reservation; Taxes

(a) No reservation shall continue for longer than three (3) years without the written approval of all persons having any legal or equitable interest in the property.

(b) Such public reservations shall not be subject to property tax during the reservation period as described in Article 66b Section 5.03. (B)(4). Notification of the reservation including the plat shall be sent to the affected taxing and assessing bodies.

(c) During the reservation period, no building or structure shall be erected upon the land so reserved, except as provided in Subsection (d). No trees, topsoil, or cover shall be removed or destroyed, no grading shall be done, and no drainage structures shall be built so as to discharge water on the reserved land, except as provided in Subsection (d).

(d) Land so reserved may be used for agricultural purposes and other uses permitted by the Zoning Ordinance upon written approval of the Planning Commission. The Planning Commission may allow any permitted use which it finds will not impair the efficient and economic use for which the property was reserved.

(e) All land so reserved shall be maintained by the owner as required by county law. The Planning Commission shall be notified immediately upon the sale of any land so reserved, and shall be provided with documents from the public land records attesting to such sale.
[Amended September 26, 2003 by Bill No. 2003-06.]

Section 85: Termination of Reservation; Renewal

(a) The expiration of a preliminary plan shall not affect a reservation if, before the expiration date, a reservation plat has been recorded by the Planning Commission. If not recorded the reservation shall be deemed cancelled.

(b) Prior to the expiration of a reservation period, with the written consent of all affected land owners, the Planning Commission may renew the reservation for additional periods of time, provided that the time period of the renewal shall be mutually agreeable to the land owner and the Planning Commission.

(1) Prior to the expiration date, the Planning Commission shall determine whether the reservation should be renewed, and shall provide an opportunity for review agencies to comment upon such renewal.

(2) If the Planning Commission determines that the reservation should be renewed, the land owner shall be notified of such determination and, if the land owner desires to renew the reservation, the required authorization for consent to the renewal shall be completed.

(3) Renewal of reservation shall be approved by the Planning Commission.

(c) At the end of the reservation period, if the reservation has not been renewed in accordance with the provisions of Subsection (b) of this section, or if the land reserved has not been acquired for public use and proceedings for acquisition have not been initiated, then the reservation shall expire and the appropriate taxing and assessing bodies shall be notified. Initiation of the acquisition is demonstrated by the filing of condemnation petition in the courts; the negotiation of a contract between the property owner(s) and the county, or efforts to achieve other appropriate agreements to be approved by the County Commissioners.

(d) If, prior to the expiration of the reservation period, the Planning Commission determined that the reservation no longer appears necessary, then the Planning Commission may cancel the reservation. Such cancellation shall be by resolution of the Planning Commission. Certified copies of the resolution cancelling the reservation shall be sent to the property owner(s), the agency originally concerned with the acquisition, the affected taxing and assessing bodies, and the clerk of court for filing among the land records of Charles County. ***[Amended September 26, 2003 by Bill No. 2003-06.]***

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ARTICLE VIII: UTILITIES

Section 90: Purpose

The provision of public utilities and related infrastructure components are an integral part of any subdivision design. The information contained herein is to be used in conjunction with the *Charles County Zoning Ordinance* and *Road Ordinance*, as well as sound engineering practice to determine the appropriate placement and scale of those facilities. In the case of any conflict between these sections and other County or State regulations, the more restrictive design standard shall apply.

Section 91: Utility Ownership and Easement Rights

If at any time a developer installs or causes the installation of water, sewer, electrical power, gas, telephone, or cable television facilities and intends that such facilities shall be owned, operated, or maintained by a public utility or any entity other than the developer, the developer shall transfer to such utility or entity the necessary ownership or easement rights to enable the utility or entity to operate and maintain such facilities.

Section 92: Underground Utilities

All electric power lines, telephone, gas distribution, and cable television lines in subdivisions constructed after the effective date of these regulations shall be placed underground in accordance with the specifications and policies of the respective utility service providers (not to include transformers or enclosures containing electrical equipment such as, but not limited to, switches, meters, or capacitors which may be pad mounted).

Section 93: Utilities to be Consistent with Internal and External Development

(a) Whenever it can reasonably be anticipated that utility facilities constructed in one development will be extended to serve other adjacent or nearby developments, such utility facilities (e.g., water or sewer lines) shall be located and constructed so that extensions can be made conveniently and without undue burden or expense or unnecessary duplication of service, consistent with County policies, procedures, and regulations.

(b) All utility facilities shall be constructed in such a manner as to minimize interference with pedestrian or vehicular traffic and to facilitate maintenance without undue damage to improvements or facilities located within the development.

(c) Passive and active recreation open space requirements may be located over utility easements, and over or under utility installations, provided that there are no structures located within the easement and access to all points within the easement remain unobstructed. The developer is responsible for obtaining written approval from the utility company, owner, or the County prior to the approval of the preliminary subdivision plan and final subdivision plat by the Planning Commission, for any such dual use of a utility or other easement for a recreational area.

Section 94: Location of Utilities

(a) All utilities running parallel to public road rights-of-way are encouraged to be located within the road right of way, wherever feasible. Feasibility is to be established through cooperative dialogue with the developer, utility companies, and the Deputy County Administrator for Planning and Growth Management.

(b) The Planning Director may determine that an additional plan sheet is required in order to accurately present the level of information necessary for preliminary plan review. This additional plan sheet is to show the planned location of all roads, water and sewer mains, wells, and other infrastructure at a scale of not less than 1":200', in order to compare and coordinate with existing or proposed County maintained facilities. At a minimum, a plan view for the proposed infrastructure is to be provided showing proposed locations of any tees, hydrants, manholes, and other equipment necessary for preliminary utilities review by the County.

(c) Utility easements shall be provided on all final subdivision plats, and shall be subject to County review and approval. Any revisions made necessary due to as-built conditions shall be made through the final plat revision process as described in subsection 31(f).

(d) Location of utilities shall be consistent with the *Charles County Forest Conservation Ordinance*, the *Road Ordinance*, Resource Protection Zone requirements, and other applicable site development regulations.

(e) Any final subdivision plat which proposes the installation of any utility that reduces a bufferyard, open space, park, or other incompatible design feature approved with the preliminary subdivision plan must provide for an area, to be approved per Section 47, equivalent in kind to the reduction. This does not include areas of minimal disturbance caused by perpendicular crossings of buffers or open space, if an alternative does not exist, or the use of utility easements for recreational areas as described in Section 61.

Section 95: Provision of Streetlights

The following standards are to provide for a safe and adequate public street lighting. These standards are considered minimum standards; all streetlight systems will be reviewed for public safety, operating efficiency, and the short and long term cost to the County.

(a) Streetlights are to be provided on preliminary plans for major subdivisions, according to Section 96. Streetlight proposals shall be reviewed by the Planning Commission, and may be modified, altered, or eliminated by the Commission. Final approval of the exact location, design or model type for any streetlight will be granted during final improvement plan review.

(b) The provision of streetlights on a major subdivision plan or plat shall be consistent with the standards as stated in this section, as well as the *Charles County Zoning Ordinance*, the *Road Ordinance*, and relevant state standards. Installation of the streetlight and documentation regarding operation and maintenance for the streetlights is to be provided consistent with the Improvement Plan and final plat procedures described in these regulations.

Section 96: Location Standards for Streetlights

Streetlights shall be provided in the following situations:

(a) For all major subdivision developments of density greater than or equal to three (3) dwelling units per acre, a minimum of one (1) streetlight located at all entrances to the subdivision located at a road classified as a major collector or greater. If either roadway is dualized, a minimum of two (2) streetlights shall be provided. In addition, a streetlight shall be provided at the intersection of any public or private road with a road classified as a minor collector or greater.

(b) The locations for streetlights along all roads are to be consistent with the *Charles County Road Ordinance.* Additional streetlights may be specifically approved by the Planning Commission, provided that such lights are in compliance with the *Road Ordinanc*e.

Section 97: Utilities and Wetlands Permits

Any wetlands or other related environmental permits which are required for a development are to include all relevant utility infrastructure in that permit application. All cost related to those permits are to be borne by the developer.

Section 98 through 100: Reserved

ARTICLE IX: ADMINISTRATION AND ENFORCEMENT

Section 101: Powers and Duties of the Planning Commission

The Planning Commission shall have the powers and duties set forth in Article 66B of the *Annotated Code of Maryland* pertaining to the review and approval of subdivisions.

Section 102: Application and Other Fees

Fees to partially cover the cost of considering, examining, and checking the several plats and plans required herein, and for the recording of the plat, shall be collected by the Department of Planning and Growth Management. Unless otherwise specifically stated in these regulations, the fee is due at the time of the filing of such plats, plans, applications, or other item in accordance with the schedule of charges adopted by the County Commissioners.

Section 103: Technical Review Committee

A Technical Review Committee is established to review subdivision plats and plats. The composition of the committee and the rules of procedure shall be established by the Deputy County Administrator of the Department of Planning and Growth Management.

Section 104: Modifications and Variations From Subdivision Regulations

(a) *Modification of Requirements.* The Planning Commission may request a report presenting staff review and analysis from the Department of Planning and Growth Management or other appropriate agencies, in order to evaluate a request to modify or waive any requirement or procedure as stated in these regulations.

(b) *Approval Requirements for Modifications.* The Planning Commission may grant modifications from the strict application of these regulations when, by reason of exceptional narrowness, shallowness, or shape of specific parcels of property or by reason of exceptional topographical conditions or other extraordinary situations or conditions of specific parcels of property, the strict application of these regulations would result in peculiar and unusual practical difficulties to, or exceptional or undue hardship upon, the owner of said property. However, the Planning Commission shall not grant modifications that will substantially impair the intent, purpose, and integrity of these regulations, or any County ordinance.

(c) *Burden of Proof for Modification Requests.* In addition to those general findings required in subsection (b) above, modification requests shall not be granted unless the applicant has demonstrated that the following criteria are met:

i. That special conditions or circumstances exist that are unique to the subject property or structure and that a strict enforcement of the provisions of these regulations would result in unwarranted hardship which is not generally shared by owners of property in the same land use classification.

ii. That strict enforcement of the provisions of these regulations would deprive the property owner of rights commonly shared by other owners of property in the area.

iii. That the granting of a modification will not confer upon an applicant any special privilege that would be denied to other owners of like property and/or structures within the same zone/land use classification.

iv. That the modification request is not based upon conditions or circumstances which are self-created or self-imposed.

v. That greater profitability or lack of knowledge of the restrictions shall not be considered as sufficient justification for a modification.

vi. That the proposed modification is consistent with the *Charles County Comprehensive Plan*.

(d) *Conformance of Modification Request.* In no case shall any variation or modification be more than a minimum easing of the requirements of these regulations, and in no instance shall it conflict with any other County ordinance, regulation, or zoning map. In granting such modifications, the Planning Commission may require such conditions as will, in its judgement, substantially secure the objectives of the requirements so varied or modified.

(e) *Changes to Final Plats.* Except as described in subsection 29(f), if any changes from the approved final plat become necessary during the construction of the subdivision, an amended plat of the subdivision shall be filed with the Planning Commission for approval and shall be recorded. The level of review required for a changed final plat will be determined by the Planning Director.

(f) *Authority of Planning Commission.* This section shall not be construed so as to abrogate the power of the Planning Commission to deny a subdivision which cannot or will not be brought into compliance with these regulations.

Section 105: Amendments

(a) These regulations may from time to time be amended, supplemented, changed, modified, or repealed by the County Commissioners.

(b) Any person or officer, department, board, commission or bureau of the County may petition for such change or amendment; however, no such change or amendment shall be presented to the County Commissioners for approval until the Planning Commission has held a public hearing in relation thereto, pursuant to the provisions of Article 66B of the *Annotated Code of Maryland*.

Section 106: Appeals

A decision of the Planning Commission may be appealed by an aggrieved party as provided in the *Annotated Code of Maryland*, the laws of Maryland, and the Maryland *Rules of Procedure*.

Section 107: Penalties

(a) Any person, corporation, association, partnership, or the agent of any person who transfers or sells or agrees to sell or negotiates to sell any land by reference to or exhibition of or by other use of a plat of subdivision, before such plat has been approved by the Charles County Planning Commission and recorded and filed in the office of the appropriate County Clerk, shall forfeit and pay in a civil penalty of not less than two hundred (200.00) dollars and not more than one thousand (1000.00) dollars in the discretion of the court, for each lot or parcel so transferred or sold or agreed or negotiated to be sold; and the description of such lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties or from the remedies herein provided. The County may enjoin such transfer or sale or agreement by action for injunction brought in any court of equity jurisdiction or may recover the penalty by civil action in any court of competent jurisdiction. However, this section does not apply to the sale or negotiation for sale of industrial property.

(b) Any person, corporation, association, partnership or the agent of any such person, who violates a provision of these regulations or shall fail to comply with any requirements hereof shall be guilty of a misdemeanor, punishable by fine of not more than one hundred (100) dollars, or by imprisonment not exceeding ten (10) days, of by both fine or imprisonment.

Section 108: Validity

Should any section, subsection sentence, clause, or phrase of the Subdivision Regulations be declared invalid in a court of competent jurisdiction, such decision shall not affect the validity of the regulations in their entirety or any part thereof, other than that declared to be invalid.

Sections 109 through 110: Reserved

APPENDIX A

SUMMARY OF SUBDIVISION APPLICATION CRITERIA

BASIC INFORMATION
REQUIRED WITH SUBDIVISION APPLICATIONS

		DEVELOPMENT STAGE			
		Pre-application Concept Plan	Minor Subdivision Plat	Major Subdivision	
Item #	Description			Preliminary Plan	Final Plat
I.	**PROJECT-PLAT INFORMATION**				
1a	Names and address of all owners, applicants, and lienholders; signature of formal applicant	X	X	X	X
1b	Signature of the above, for all properties involved		X		X
2	Names, signature, license number, seal, and address of engineer, land surveyor, architect, planner, and/or landscape architect, as applicable, involved in document preparation	X	X	X	X
3	Title block denoting name and type of application, tax map sheet, election district, block and lot, parcel, and street location	X	X	X	X
4	A key map at a specified scale showing location of tract with reference to surrounding properties, streets, landmarks, streams, etc	X	X	X	X
5	Existing and proposed zoning of tract and adjacent property	X	X	X	X
6	North arrow and scale	X	X	X	X
7	Proof that taxes are current			X	X
8	Appropriate signature block for Deputy County Administrator, Health Department, and Planning Commission Chairman		X		X

Notes: X - Item required at indicated development stage

		DEVELOPMENT STAGE			
				Major Subdivision	
Item #	**Description**	**Pre-application Concept Plan**	**Minor Subdivision Plat**	**Preliminary Plan**	**Final Plat**
9	Appropriate certification blocks			X	X
10	Monumentation, existing and proposed		X		X
11	One (1) of four (4) standardized sheets: 30" x 42" 24" x 36" 18" x 24" 8.5" x 11"		X	X	X
12a	Accurate outbounds of property	X	X	X	X
12b	Metes and bounds description showing dimensions, bearings, curve data, length of tangents, radii, arcs, chords, and central angles for all centerlines and rights-of-way, and centerline curves on streets		X		X
13	Acreage of tract to the nearest thousandth of an acre		X		X
14	Date of original and all revisions		X	X	X
15	Size and location of any existing structures with all setbacks dimensioned	X		X	
16a	Location and dimensions of any existing or proposed roads	X (general)	X	X	X
16b	List of all public and private roads by name, providing classification, proposed typical section, and width of right-of-way		X	X	X
16c	Distance from all project entrances to nearest intersection of 2 or more minor collector roads (not shown on plats).	X (estimated)	X	X (estimated)	X (surveyed)
17	All proposed lot lines and area of lots in square feet or acres		X	X	X
18	Copy and/or delineation of any existing or proposed deed restrictions or covenants	X (existing)	X	X	X

Notes: X - Item required at indicated development stage

		DEVELOPMENT STAGE			
				Major Subdivision Plat	
Item #	**Description**	**Pre-application Concept Plan**	**Minor Subdivision Plat**	**Preliminary Plan**	**Final Plat**
19a	Any existing or proposed easement of land reserved for or dedicated to public use*	X	X	X	X
19b	Identification and depiction of any historic structure or area on the site as listed in County, State or Federal historical survey~	X	X	X	X
20	Development stages or staging plans			X	X
21	List of required regulatory approvals or permits		X	X	
22	List of modifications and exceptions required or requested*		X	X	X
23	Requested or obtained design waivers or exceptions~	X	X	X	X
24	Payment of application fees	X	X	X	X
25	Adjacent property owners, including liber folios, locations and zoning; within 100 ft.		X	X	X
II.	**SETTING-ENVIRONMENTAL INFORMATION**				
26	All existing streams, water courses, flood plains tidal and non-tidal wetlands, or other environmentally sensitive areas on and within 200' of site; all required State and County buffers for the above features are to be shown.	X (general)	X	X	X
27	Existing rights-of-way and/or easements on and within 100 ft. of tract	X	X	X	X
28	Topographical features of subject property from USGS map	X			
29	Existing and proposed contour intervals based field verified USGS data. Contours to extend at least 100 feet beyond subject property, with intervals as follows: up to 3% grade + 2' 3% + grade = 5'		X (If required)	X	X

Notes: X - Item required at indicated development stage
*** - Proposed restrictions or covenants do not have to be included for pre-application or concept plan.**
~ - Conditional approval may be granted subject to other regulatory approvals.

		DEVELOPMENT STAGE			
				Major Subdivision Plat	
Item #	**Description**	**Pre-application Concept Plan**	**Minor Subdivision Plat**	**Preliminary Plan**	**Final Plat**
30a	Slope analysis areas > 15% or < 25% shall be shaded			X	X
30b	Slope analysis areas > 25% shall be shaded (contrast with > 15% slopes) and identified as steep slopes		X (If required)	X	X
31a	Boundary of wooded areas	X (general)		X	
31b	Limits of forest conservation easement		X	X	X
32	Existing system of drainage of subject site and of any larger tract to basin of which it is a part			X (general)	X
33	Drainage Area Map (if required)			X	
34	Drainage calculations (if required)			X	
35	Percolation tests		X	X	X
36a	A 100 Year Flood Plain based on FEMA maps or more specific studies		X	X	X
36b	Engineered floodplain, if required				X
37	Non-tidal wetland identification based on NWI maps	X			
38	Non-tidal wetland delineation and flagging of nontidal wetlands based on field analysis		X (If required)	X	X
39	Notes regarding Habitat Protection Plan		X (If required)	X (If required)	X (If required)
The following items are required in the areas designated in *Section 53 Chesapeake Bay Critical Area Overlay Zones:*					
40	Slope analysis areas > 15% slope shall be shaded and identified as steep slopes		X	X	X
41	Location of areas to be disturbed by construction and location of trees measuring greater than 12" in diameter at 4.5'		X	X	X
42	The known locations of the habitat of any threatened or endangered species or species in need of conservation on or adjacent to the site, or within 1/4 mile of the site in the case of bald eagle habitats		X	X	X

Notes: X - Item required at indicated development stage

		DEVELOPMENT STAGE			
				Major Subdivision Plat	
Item #	**Description**	**Pre-application Concept Plan**	**Minor Subdivision Plat**	**Preliminary Plan**	**Final Plat**
43	The location of anadromous fish spawning stream(s) on or adjacent to the site and a delineation of the watershed area of the stream on the site		X (If required)	X	
44a	Highly erodible soils		X	X	X
44b	Slopes greater than 5% on highly erodible soils		X		
III.	**IMPROVEMENTS AND CONSTRUCTION INFORMATION**				
45	Proposed utility infrastructure plans, including sanitary sewer, water, stormwater management, telephone electric and cable TV			X (general)	
46	Stormwater Management Plan			X (general)	X
47	Average grade on street road			X	
48	Road and paving cross-sections			X	
49	Proposed street names		X	X	X
50	Block and lot numbers		X	X	X
51	Location, size, and type of all signs (site identification signs, traffic control signs, and directional signs)			X (general)	
52	Sight triangles		X	X (horizontal)	X
53	Vehicular and pedestrian circulation patterns (less detail necessary for pre-application-concept plan stages)	X		X	X
54	Parking plan providing parking areas with type of spaces, curb cuts, drives, and all ingress and egress areas and dimensions			X	X
55	Note referring to Design Code, for Mixed Residential Cluster planned development subdivisions			X	X
56	Designated open space/recreational facilities	X		X	X
57	HOA documentation (various)			X (Summary of inventory only)	X

Notes: X - Item required at indicated development stage

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APPENDIX B

MODEL CERTIFICATIONS AND FORMS

The following are model documents for dedication, surveyor's certificate, agreement form, and bond form.

* * *

Appendix B(1):

DEDICATION FOR INDIVIDUALS

We, _____, and ___(wife, husband, co-owners, etc.)___, Mortgagee(s), and _____, Trustee, hereby adopt this plan of subdivision; establish the minimum building restriction lines; and dedicate the streets, alleys, walks, trails, parks, and open space to public use.

There are not suits, action at law, leases, liens, mortgages, trusts, easements or rights-of-way affecting the property included in this subdivision except the following:

_____
_____
_____
_____
_____

and all parties in interest thereto have hereto affixed their signatures indicating their assent to this plan of subdivision.

_____ Signature:_____
Printed Name

_____ Signature:_____
Printed Name

Witnessed: _____ Date: _____

Appendix B(2):

DEDICATION FOR CORPORATIONS

(insert name of corporation). a (name of state) corporation, by (insert name), President, (insert name), Secretary, owners of the property, hereby adopt this plan of subdivision; establish the minimum building restriction lines; and dedicate the streets, alleys, walks, trails, parks, and open space to public use.

There are not suits, action at law, leases, liens, mortgages, trusts, easements or rights-of-way affecting the property included in this subdivision except the following:

_____
_____
_____
_____

and all parties in interest thereto have hereto affixed their signatures indicating their assent to this plan of subdivision, etc.

Date: _____

Attest: _____ (name of corporation)

(Corporate seal) By: _____
(printed name), President

Appendix B(3):

SURVEYOR'S CERTIFICATE

I hereby certify that the plan shown hereon is correct; that it is a subdivision of ____(Part of/All of)____ the lands conveyed by ___(insert name of former owner)___ to _(insert name of present owner)_ deed dated _____, and recorded in the Land Records of Charles County, in Liber ____ at Folio ____; and that stones, marked thus: _____ and iron pipe, marked thus: 0, having been placed as indicated to the approved finish grade; and that the requirements of the Charles County Subdivision Ordinance and Annotated Code of Maryland have been complied with.

Date: _____ Signature: _____
(printed name of surveyor)

Seal:

Appendix B(4):

DEVELOPER'S AGREEMENT

This agreement, made this __ day of _____, 19__, by and between _____ hereinafter referred to as DEVELOPER, and the County Commissioners of Charles County, Maryland, a body corporate, hereinafter referred to as the COUNTY.

WHEREAS, DEVELOPER has presented to the Charles County Planning Commission a final plat of a subdivision known as _____ in the ___ Election District of Charles County, Maryland, and

WHEREAS, the DEVELOPER has likewise presented to the Charles County Planning Commission plans and specifications for all required improvements in the subdivision as required by any applicable County law or ordinance or any other law, a copy of which said plans and specifications are on file in the County Engineer's Office, and

WHEREAS, as a condition precedent to the approval of said final plat, the DEVELOPER is required to agree to construct said improvements within two years of the date hereof.

NOW, THEREFORE, this Agreement witnesseth that for and in consideration of the sum of Ten Dollars ($10.00), receipt of which is hereby acknowledged, the mutual covenants and promises herein contained, the approval of said final subdivision plat by the Charles County Planning Commission and other good and valuable considerations, the DEVELOPER hereby agrees to construct all required improvements as described in the attached plan and specifications, and in accordance with all applicable laws and regulations, within two (2) years from date hereof.

Witness the hands and seals of the DEVELOPER:

WITNESS: _____(SEAL)
_____(SEAL)

STATE OF MARYLAND, CHARLES COUNTY, TO WIT:

I hereby certify that on the ___day of _____, 19__, before me, the subscriber, a notary public of the State and County aforesaid, personally appeared _____, and made oath in due form of law that the foregoing Agreement is his act.

As witness, my hands and notarial seal.

_____
Notary Public

Appendix B(5):

PERMANENT REFERENCE MONUMENT AND MARKERS

ANNOTATED CODE OF MARYLAND

The following excerpt is taken from the Annotated Code of Maryland (1957), as found in Article 3-108, and is provided herein for information, only. Any revisions or amendment to the Code subsequent to the adoption of these regulations shall apply.

> "(8) The plat shall show the position by coordinates of not less than four markers set in convenience places within the subdivision in a manner so that the position of one marker is visible from the position of one other marker. From these markers, commonly known as "traverse points", every corner and line can be readily calculated and marked on the ground. These markers shall be made of hard durable stone or concrete and shall be planted at least three feet into the ground.
>
> "(9) If the subdivision lies in an area where a recognized coordinate system already is established and traverse points of the system can be found and used, the coordinate values shall be marked in the same datum as those on the points found and identified by datum on the plat. In this case no markers are required, but the owner of land shall comply with all other requirements.
>
> "(10) A certificate stating that the requirement of this subsection, as far as it concerns the making of the plat and setting of the markers, shall be put on the plat and signed by the owner of the land shown on the plat to the best of his knowledge and by the professional land surveyor or property line surveyor preparing it."

APPENDIX C

BONDS

The following are general process guidelines and model documents for bonds required for physical improvements as described in Section 30 of these regulations.

* * *

Appendix C(1):

BONDING PROCEDURE

Anyone required to submit a bond to the County Commissioners relative to any subdivision matter shall file a written request with the Zoning Administrator of Charles County for the Determination of the amount of bonding required.

Upon the determination of the necessary amount of bonding, the bond must be posted in a form satisfactory to the County Commissioners.

If the bond is secured through a bonding company, is in the proper form, is accompanied by the required power of attorney, and a certificate from the Insurance Commissioner that the surety is licensed to do business in Maryland as an insurer, the bond will be approved by the County Commissioners.

If any other type of bonding arrangements is desired, a written request must be made to the County Commissioners. The written request should be accompanied by a financial statement and any other information which might be helpful to the County Commissioners in determining whether or not to accept the bonding arrangement.

After consideration of the request for bonding, the applicant will be notified of the County Commissioners' decision. If the County Commissioners approve the bonding agreement, the County Attorney's office will prepare the necessary documents which will be submitted to the applicant by the Zoning Administrator for execution.

Upon receipt of the executed document they will be referred to the County Commissioners for their review and final approval. If the bond is approved by the County Commissioners, the bond will be returned to the Zoning Administrator and the Planning Commission's records relative to bonding requirements will then show that the bond has been accepted.

Any inquiries relative to bonding procedure or the status of particular bonds should be directed to the Zoning Administrator.

Appendix C(2):

MODEL BOND AGREEMENT

KNOWN ALL MEN BY THESE PRESENTS, THAT _____, as Principal, and _____, as Surety, are held and firmly bound unto the County Commissioners of Charles County, Maryland, a body corporate, in the sum of _____, lawful money of the United States of America, for which payment well and truly to be made, we bind ourselves, our heirs, personal representatives, successors, and assigns, jointly and severally, firmly by these presents.

WHEREAS, the above bound _____ has presented to the Charles County Planning Commission a final plat of a subdivision located in the _____ Election District of Charles County, Maryland, known as _____, and is the owner of the property, and

WHEREAS, under the provisions of the Charles County Subdivision Regulations and Road Ordinance, the Charles County Soil and Sediment Control Regulations, and other applicable laws and ordinance, the above bound _____ is required to complete certain improvements to said subdivision prior to the final approval thereof or to furnish to County Commissioners of Charles County, Maryland, an acceptable bond to guarantee construction of said improvements, and

WHEREAS, by Agreement dated the ___ day of _____, 19__, the above bound _____, has agreed to construct said improvements within two years from the date hereof, a copy of said Agreement and the attachments thereto, being hereby specifically incorporated, by reference, into the terms hereof, and

WHEREAS, the parties hereto have agreed to execute this bond for the purpose of guaranteeing the construction of said improvements in accordance with the aforesaid Agreement and all applicable laws and regulations.

NOW, THEREFORE, the condition of this obligation is such that if the above bound _____ shall construct said improvements as specified in the aforesaid Agreement in accordance with the above referenced plans and specification and the applicable Ordinances and Regulations of Charles County, Maryland, within two years from the date hereof and upon inspection and approval of said improvements by the County, this obligations shall be null and void; otherwise this obligation to remain in full force and effect.

WITNESS the hands and seals of said Principal and Surety this ___ day of _____, 19__.

ATTEST:_____(SEAL)
Principal

ATTEST:_____(SEAL)
Surety

APPENDIX D

MODEL HOME OWNERS ASSOCIATION DOCUMENTS

Model Home Owners Association information will be inserted at a future date. - Ed.

APPENDIX E

USEABLE LOT AREA REFERENCE INFORMATION

The following examples are presented for information only. In all cases, the Planning Director may require a verification of the useable lot area for a property per Section 46, and the definitions and standards contained in these regulations, as a part of any subdivision review or approval process.

* * *

USEABLE LOT AREA; Basic Information

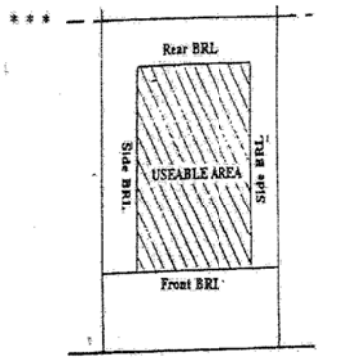
The Planning Director may require, per these regulations, that the Building Restriction Lines (BRL) for building lots be shown. Encumbrances on the use of the property (such as but not limited to grading or utility easements, steep slopes greater than 25 percent), Forest Conservation Easenents, and Resource Protection Zones), may also be required. The "useable area" should be sufficient in size, shape, and orientation to accommodate a dwelling unit and associated uses (such as a level yard area, decks, porches, or patios) consistent with the zoning district and unit type proposed.

The top diagram provides an example of a lot with only Building Restriction Lines (BRL) shown; the bottom diagram is an example of a lot with possible encumbrances, which reduce the "useable area" for the lot.

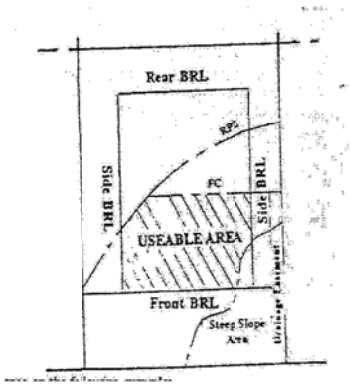
Note that the *Zoning Ordinance* does not permit Resource Protection Zones (*RPZ*) and some other environmental restrictions to be located on lots in Cluster subdivisions; it does not specifically prohibit Forest Conservation Easements from the individual lots. The reduced lot sizes permitted by the Cluster design standards and the need for the subdivision design to be found to be "superior" to a Conventional subdivision design generally inhibits such a design. Therefore, the impact on the "useable area" should be minimal. However, there are other constraints which may inhibit the use of a given lot.

NOTE: The "useable lot area" is shown in the cross-hatched area on the following examples.

* * *

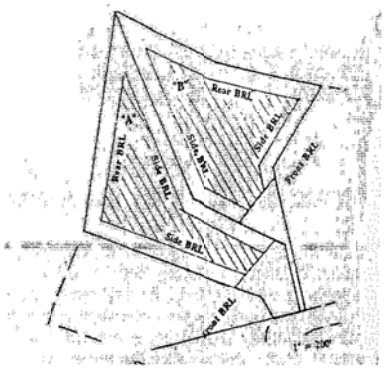


[Not to scale]

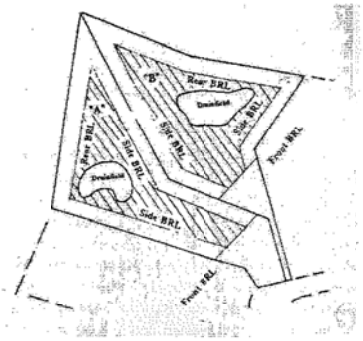


Example 1: ***SINGLE FAMILY DETACHED; Conventional Rural Subdivision***

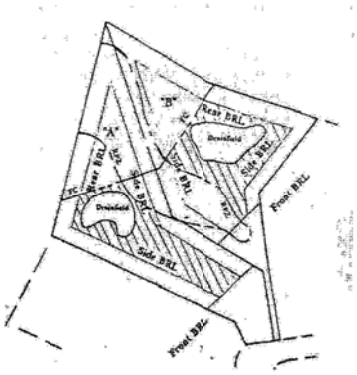
a. At right is a pair of rural lots, with only the lot lines and Building Restriction Lines shown. Lot A is a "regular" lot, while Lot B is a "pipestem" lot.



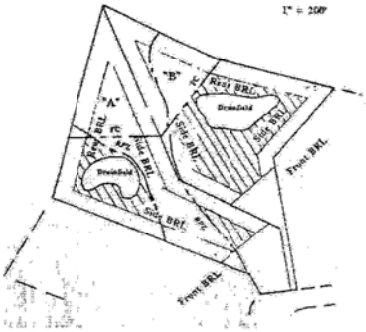
b. Rural lots are subject to development on private septic systems (shown as "drainfield"). The diagram at right indicates the potential impact on the "useable lot area" once the proposed drainfield is indicated on the lot, as required by these regulations. Note that the location of the drainfield, and any possible effect upon the "useable lot area" will be specific to each lot.



c. Resource Protection Zones (*RPZ*), Forest Conservation (*FC*) Easements, and other environmental restrictions may be located on lots in Conventional subdivisions. Note the reduction in "useable lot area" for these lots.

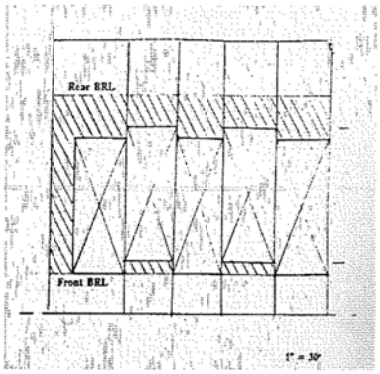


d. The diagram at right provides an example of where the encumbrances on the lot result in a "useable lot area" which may be insufficient to locate a single family detached dwelling unit in a manner consistent with the expected use of Lot A.

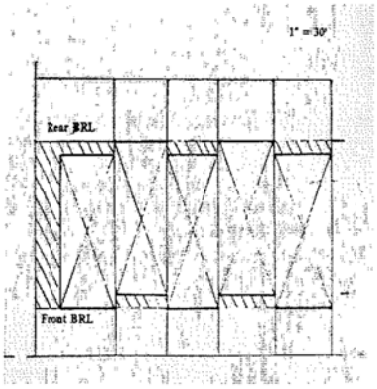


Example 2: ***SINGLE FAMILY ATTACHED (TOWNHOUSE); Cluster Subdivision***

a. At right is a series of townhouse lots, with the building footprint, lot lines, and Building Restriction Lines shown. In this case, all of the lots have adequate rear yards for the installation of decks, porches, or patios.

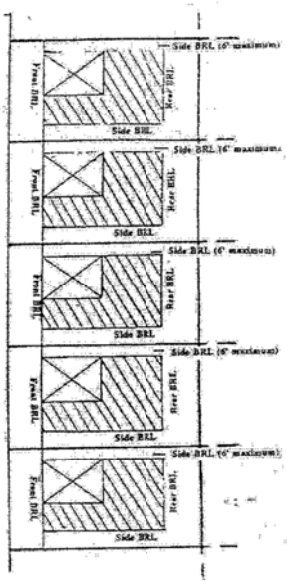


b. In the diagram to the right, the building footprints and lot configuration reflect a situation where lots are encumbered for the construction and use of decks, porches, or patios.



Example 3: ***LOT LINE HOUSE; Cluster Subdivision***

a. At right is an example of Lot Line houses. Such houses have specific design constraints established in the definitions and standards found in the Zoning Ordinance. In order to demonstrate compliance with those standards, such lots should be grouped along street frontages or cul-de-sacs. Note that the orientation and pattern of Lot Line units are subject to Planning Commission review during the preliminary subdivision plan approval process (Section 25).

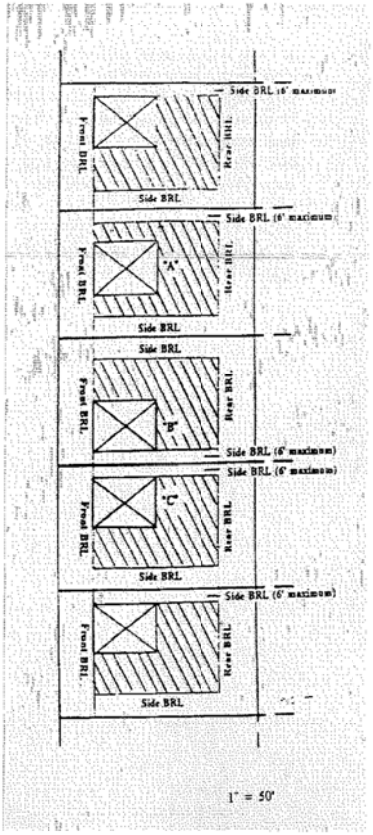


1" = 50'

b. In the diagrams to the right, examples of inappropriate building footprints and lot configurations for Lot Line units are shown, based upon the definition in the Zoning Ordinance.

Lot A: Unit not placed against reduced side yard.

Lots B & C: Reduced side yards on adjacent sides, reducing minimum building spacing.



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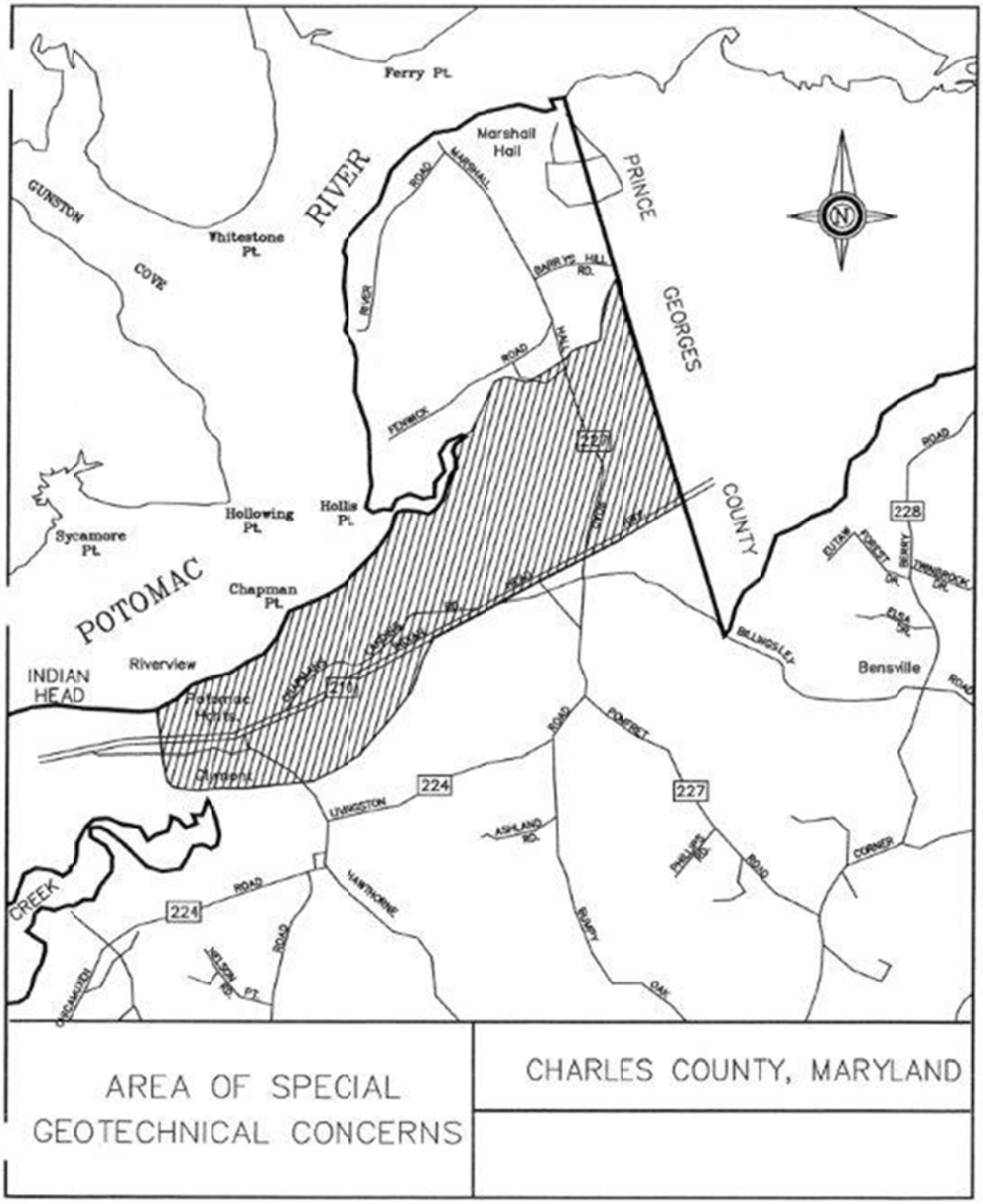

AREA OF SPECIAL GEOTECHNICAL CONCERNS

CHARLES COUNTY, MARYLAND

107

Name	Score	Criteria	ROW Features	Functional Class	Historic Map Reference	Comments
Chapel Point Road	#	ABCD	ABCE	Min Col	1794; 1853	Water views and access. Historic sites: St. Thomas Manor/St. Ignatius Church, Port Tobacco Historic District, Parkland: Chapel Point State Park. Protected lands
Durham Church Road	#	ABCD	ABCE	Min Col	1794; 1853	Road to "Nanjemoy Church". Historic sites: Durham Church. Protected lands
Hancock Run Road	#	ACD	ABCE	Local	1886	Part of road from Nanjemoy P.O. to Smith Point Landing. Protected Lands (Nature Conservancy). Narrow pavement width.
Popes Creek Road	#	ABCD	ABCE	Min Col	1853	Agricultural views. Water views and access. Seafood hub. Protected lands. To Popes Creek Landing and Steamboat Wharf.
Rose Hill Road	#	ABCD		Min Col	1794	Historic road from Port Tobacco to Piscataway. Historic sites: Rose Hill, Habre de Venture Parkland: TSNHS
Springhill-Newtown Road	#	ABCD	ABCE	Ma C	1853	Connects Port Tobacco Landing to New Towne. Historic Sites: The Exchange, First County Courthouse. Agricultural views.
Benny Gray Point Road	#	ACD	ABCE	Local	1794	Historic road to tobacco inspection station at mouth of Nanjemoy Creek. Protected lands.
Blossom Point Road	#	ABCD	ACE	Min Col	1794	Historic road to Upper Cedar Point. Agricultural views. Protected lands.
Edelen Road	#	ABCD	ABCE	Local	1892 USGS	Protected lands. (Rural Legacy Area)
Friendship Landing Road	#	ABCD	ACE	Local	1853	Water views and access. Protected lands. Parkland: Friendship Landing.
West Hatton Road	#	BC	ABCE	Local	1886	Road to Stoddert Point. Historic Sites: Yatten, Hard Bargain, West Hatton.
Allens Fresh Road	#	ABCD	ACE	Local	1794	Portion of 17th c. road from Allens Fresh to St. Mary's City-one of Md's earliest roads. Agricultural views. Protected lands.
Bluff Point Road	#	ABCD	AE	Local	1853	Protected Lands.
Bumpy Oak Road	#	ABC	ACE	Ma C	1794	Historic road from Port Tobacco to Piscataway.
MD 224	#	AD	E	M Col	20th c.	Parkland Corridor.
Mill Run Road	#	ABCD	ABCE	Local		Preserved road corridor.
Mill Swamp Road	#	AC	ABCE	Min Col	1794	Preserved road corridor.
Mitchell Road	#	ABC	ABCE	Ma C	1853	Historic sites: Mt. Carmel Monstery, Friendship, Thainston
Mt. Victoria Road	#	BCD	ABCE	Min Col	1853	Agricultural views. Historic sites: Mt. Victoria, Black Frians, Wakefield

Old Sycamore Road	#	ABCD	BCE	Min Col	1794; 1853	Historic road from Newport to Newport Church, today's Trinity Church
Trotter Road	#	BCD	CE	Local	1794; 1853	Bryantown Historic District. Protected lands.
Dr. Samuel Mudd Road	#	BC	C	Ma C	1853	Agricultural views. Historic sites: Dr. Mudd House
Adams Willet Road	#	ABC	BCE	Local		RPZ, Nature Conservancy
Bowling Drive	#	ABCD	CE	Min Col	1853	Historic road from Newport to Road Dentsville. Agicultural views.
Brentland Road	#	ABC	ABCE	Local	1853; 1886	Historic road to Pear Tree Point, later Brentland PO
Burnt Store Road	11	BCD	C	Ma C	1853	Historic road from Burnt Store to Hughesville
Cooksey Road	11	ABC	ABCE	Local		Historic Road from ridge on Penns Hill to Zekiah floodplain to MD6
Firetower Road	11	ABCD	ABCE	Min Col		Historic Site: Rosemary Lawn
Henson Landing Road	11	ABC	ABCE	Local	1853; 1886	Historic Site: The Napping. Road to Pear Tree Point, later Brentland PO
Keech Road	11	AC	CE	Min Col	1853; 1886	Forest views. Protected lands.
MD 257	11	ABCD	NA	Maj Col	1853	
MD 6 from Riverside to MD 425	11			Maj Col	1794;1853	Historic Road from Inspection station at Grays Point to Nanjemoy Church/Md Point Road; 1853 -Riverside is reffered to as Nanjemoy Landing. Water view.
North Ryceville Road	11	ABC	CE	Min Col	USGS	Agricultural views. Cultural Landscapes: Amish
Olde Mill Road	11	ABCD	ACE	Local	1794; 1853	Portion of road from LeonaRoadtown to Allens Fresh. Last roller mill and millers house
Scout Camp Road	11	ABC	ABCE	Min Col	1892 USGS	Historic road that connected Hughesville to Benedict
Shiloh Church Road	11	AC	ABCE	Min Col	1914 USGS	Historic Road through village of Shiloh
Smallwood Church Road	11	ABC	ABCE	Min Col	1853	Historic road to Sweetman's Landing
Tayloes Neck Road	11	ABCD		Min Col	1853	
Kentucky Avenue	10	AC	CE	Min Col		