

BR00067444

Ordinance No. 31-15
RE: Text Amendment Case No. 13-03
Amendments to the Calvert County Zoning Ordinance
RE: Subdivision Review Procedures
Page 1 of 3

Pertaining to the Amendments of the Calvert County Zoning Ordinance (Article 5) Residential Development Requirements; (Article 7) Subdivision Regulation; (Article 12) Definitions; Prince Frederick Town Center Zoning Ordinance and Solomons Town Center Zoning Ordinance regarding Subdivision Review Procedures
(Text Amendment Case No. 13-03)

WHEREAS, Title 5 of the *Land Use Article* of the Maryland Annotated Code, empowers the Board of County Commissioners of Calvert County, Maryland to enact subdivision regulations to promote the health, safety and welfare of the citizens of Calvert County, and to provide for its administration, enforcement and amendment;

WHEREAS, pursuant to that authority, the Board of County Commissioners of Calvert County, Maryland has heretofore adopted the Calvert County Zoning Ordinance incorporating within the subdivision regulation for Calvert County;

WHEREAS, after study and evaluation, the Calvert County Department of Community Planning and Building recommended to the Planning Commission and the Board of County Commissioners text amendments to the Calvert County Zoning Ordinance, Section 5 Subdivision Regulations; Section 7 Residential Development Requirements; Section 12 Definitions; Prince Frederick Zoning Ordinance and Solomons Zoning Ordinance to amend subdivision processes, road standards, adequate public facilities, family conveyance density standards, standards within the Solomons and Prince Frederick Town Centers;

WHEREAS, after due notice was published, the Planning Commission and the Board of County Commissioners of Calvert County conducted a joint public hearing on June 9, 2015 and was continued by the Planning Commission on June 15, 2015, at which time the proposed amendments were discussed, staff's recommendations were considered, and public comment was solicited;

WHEREAS, at the conclusion of said public hearing and, after considering the evidence which had been presented at the public hearing regarding the proposed text amendments, the Planning Commission voted to recommend approval of the text amendments as presented by the Calvert County Department of Community Planning and Building;

WHEREAS, the Planning Commission conveyed its recommendation to the Board of County Commissioners by Resolution; and

WHEREAS, on June 30, 2015, after considering the evidence which had been presented at the public hearing regarding the proposed text amendments and the recommendation of the Planning Commission, and in furtherance of the public health, safety and welfare, the Board of County Commissioners of Calvert County, Maryland determined it

DK000473445

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is in the best interest of the citizens of the County to enact the text amendments to the Calvert County Zoning Ordinance as set forth in Exhibit A attached hereto and made part hereof.

NOW, THEREFORE, BE IT ORDAINED, by the Board of County Commissioners of Calvert County, Maryland, that Section 5; Section 7; Section 12 of the Calvert County Zoning Ordinance and Section III of the Prince Frederick Town Center Zoning Ordinance and Section 2-10.03.C.1 of the Solomons Town Center Zoning Ordinance **BE**, and hereby **ARE** amended by adopting the text amendments as shown in the attached Exhibit A hereto and made a part hereof (Exhibit B depicts the amendments as they will actually appear in the Zoning Ordinance).

BE IT FURTHER ORDAINED, by the Board of County Commissioners of Calvert County, Maryland that, in the event any portion of this Ordinance or the Calvert County Zoning Ordinance, is found to be unconstitutional, illegal, null or void, it is the intent of the Board of County Commissioners to sever only the invalid portion or provision, and that the remainder of the Ordinance shall be enforceable and valid.

BE IT FURTHER ORDAINED, by the Board of County Commissioners of Calvert County, Maryland that the foregoing recitals are adopted as if fully rewritten herein.

BE IT FURTHER ORDAINED, by the Board of County Commissioners of Calvert County, Maryland that this amendatory Ordinance shall be effective upon recordation without publication of a fair summary.

DONE, this 30th day of June, 2015 by the Board of County Commissioners of Calvert County, Maryland, sitting in regular session.

Aye: 5
Nay: 0
Absent/Abstain: 0

[SIGNATURES ON FOLLOWING PAGE]

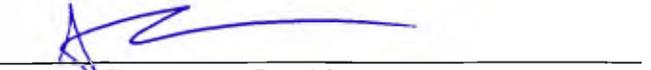
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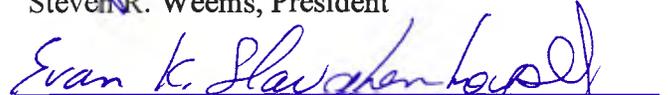
Ordinance No. 31-15
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ATTEST:

**BOARD OF COUNTY COMMISSIONERS
OF CALVERT COUNTY, MARYLAND**


Maureen L. Frederick, Clerk


Steven R. Weems, President


Evan K. Slaughenhoupt, Jr., Vice-President

Approved for form and legal sufficiency
by:


Mike Hart


John B. Norris, III, County Attorney


Tom Hejl


Pat Nutter

Received for Record August 5 2015
at 10:00 o'clock A M. Same day
recorded in Liber KPS No. 47
Folio 444 ... COUNTY COMMISSIONERS
ORDINANCES AND RESOLUTION.



ARTICLE 5-1.02.D.6.d

6. Family Conveyance Lots. Additional lots may be created through family conveyance. To be eligible to create and convey family conveyance lots, the current owner(s) must have owned the property as of November 2, 1999 or be a family member of lineal descent or ascent to whom the right has been transferred by will or deed. The following provisions apply:
- a. Any lot created as a family conveyance lot shall only be conveyed to a family member of lineal descent or ascent, being parent, child, grandchild or grandparent of the grantor. Only one lot may be granted to any one individual. An affidavit shall be executed by the grantor affirming that the grantee is of lineal descent or ascent and has not received any lots from the parent tract (as of June 29, 1967). The affidavit shall be submitted with the preliminary plan. A note shall be recorded on the plat identifying the lot as a family conveyance lot and the affidavit shall be shown on the final plat and signed by the owner.
 - b. Any deed for a lot that is created by a family conveyance subdivision under this Section shall contain a covenant stating that the lot is created subject to the provisions of this Section.
 - c. A lot created by a bona fide family conveyance subdivision may not be conveyed subsequently to any person other than a family member of lineal descent or ascent, unless five Transferable Development Rights (TDRs) per lot are applied and recorded by deed. This provision shall be in effect for seven years after the lot is recorded.
 - d. The number of conventional lots calculated in 'D.3' above may be doubled through the use of family conveyance lots up to a total maximum of ~~five~~ **seven** lots, if the minimum lot size requirements can be met.
 - e. Notwithstanding the calculations above, up to three family conveyance lots may be created without the application of Transferable Development Rights (TDRs) provided that all of the conditions in this Section are met. Any family conveyance lots created after the first three lots shall require the application of five Transferable Development Rights per lot.

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Proposed text section proposed to be added

ARTICLE 5-1.03.D.7.d

7. Family Conveyance Lots. Additional lots may be created through family conveyance. To be eligible to create and convey family conveyance lots, the current owner(s) must have owned the property as of November 2, 1999 or be a family member of lineal descent or ascent to whom the right has been transferred by will or deed. The following provisions apply:
- a. Any lot created as a family conveyance lot shall only be conveyed to a family member of lineal descent or ascent, being parent, child, grandchild or grandparent of the grantor. Only one lot may be granted to any one individual. An affidavit shall be executed by the grantor affirming that the grantee is of lineal descent or ascent and has not received any lots from the parent tract (as of June 29, 1967) The affidavit shall be submitted with the preliminary plan . A note shall be recorded on the plat identifying the lot as a family conveyance lot and the affidavit shall be shown on the final plat and signed by the owner.
 - b. Any deed for a lot that is created by a family conveyance subdivision under this Section shall contain a covenant stating that the lot is created subject to the provisions of this Section.
 - c. A lot created by a bona fide family conveyance subdivision may not be conveyed subsequently to any person other than a family member of lineal descent or ascent, unless five Transferable Development Rights (TDRs) per lot are applied and recorded by deed. This provision shall be in effect for seven years after the lot is recorded.
 - d. The number of conventional lots calculated in 'D.4' above may be doubled through the use of family conveyance lots up to a total maximum of ~~five~~ **seven** lots if the minimum lot size requirements can be met.
 - e. Notwithstanding the calculations above, up to three family conveyance lots may be created without the application of Transferable Development Rights provided that all of the conditions in this Section are met. Any family conveyance lots created after the first three lots shall require the application of five Transferable Development Rights (TDRs) per lot.

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ARTICLE 5-1.04.D.4.d

4. Family Conveyance Lots. Additional lots or dwelling units may be created through family conveyance. To be eligible to create and convey family conveyance lots or dwelling units, the current owner(s) must have owned the property as of November 2, 1999 or be a family member of lineal descent or ascent to whom the right has been transferred by will or deed. The following provisions apply:
- a. Any lot or dwelling unit created as a family conveyance lot or dwelling unit shall only be conveyed to a family member of lineal descent or ascent, being parent, child, grandchild or grandparent of the grantor. Only one lot may be granted to any one individual. An affidavit shall be executed by the grantor affirming that the grantee is of lineal descent or ascent and has not received any lots or dwelling units from the parent tract (as of June 29, 1967). The affidavit shall be submitted with the preliminary plan. A note shall be recorded on the plat identifying the lot or dwelling unit as a family conveyance lot or dwelling unit and the affidavit shall be shown on the final plat and signed by the owner.
 - b. Any deed for a lot or dwelling unit that is created by a family conveyance subdivision under this Section shall contain a covenant stating that the lot or dwelling unit is created subject to the provisions of this Section.
 - c. A lot or dwelling unit created by a bona fide family conveyance subdivision may not be conveyed subsequently to any person other than a family member of lineal descent or ascent, unless five Transferable Development Rights (TDRs) per lot or dwelling unit are applied and recorded by deed. This provision shall be in effect for seven years after the lot or dwelling unit is recorded.
 - d. The number of conventional lots or dwelling units calculated in paragraph 'D.2' above may be doubled through the use of family conveyance lots or dwelling units up to a total maximum of ~~five~~ **seven** lots or dwelling unit if the minimum lot size requirements can be met.
 - e. Notwithstanding the calculations above, up to three family conveyance lots may be created without the application of Transferable Development Rights provided that all of the conditions in this Section are met. Any family conveyance lots or dwelling units created after the first three lots or dwelling units shall require the application of five Transferable Development Rights (TDRs) per lot or dwelling unit.

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ARTICLE 5-2.01.D.3.d

3. In addition to the requirements for subdivisions in Article 7 and Article 8, the following requirements shall apply:

a. Minimum road frontage: 25 feet

All lots must have at least 25 feet of frontage onto a public or private right-of-way, except for adjacent flag lots where the minimum road frontage for each lot may be reduced to 12.5 feet as provided in Sub-Section 'b'.

b. Width of fee simple strips of flag lots: 25 feet

The fee simple strip of a flag lot shall be at least 25 feet wide over its entire length, that is--from the lot proper to its frontage onto the right-of-way, except where the fee simple strips of two flag lots lie adjacent to each other in which case each fee simple strip may be as narrow as 12.5 feet wide, provided the two flag lots share and maintain a common access driveway. A note shall be placed on the subdivision plat stating that such driveways shall not be petitionable into the County road system or eligible for County maintenance.

c. The fee simple strips of no more than two flag lots shall lie adjacent to each other.

d. Use of a private lane to serve three to ~~five~~ **seven** lots:

A private lane may be provided to serve three to ~~five~~ **seven** lots, provided it meets the standards on plate RD-1**B** of the Calvert County **Construction Standards for Roads, Streets and Incidental Structures as amended from time to time and in effect** ~~Road Ordinance (Chapter 104 of the Code of Calvert County) (specifications and design standards).~~

e. To ensure adequate fire and safety protection, all buildings shall be accessible to rescue vehicles and fire trucks.

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ARTICLE 5-2.01.D.6.b

6. Fences & Buffers Adjacent to Farms & Agricultural Preservation Districts (APDs)
- a. Fencing such as cattle fencing and chain link fencing may be required by the Planning Commission or its designee along the common boundary between subdivisions and farms or Agricultural Preservation Districts to protect farming operations from intruders (i.e., dogs and off-road vehicles) that can cause damage to crops and farm machinery.
 - b. Additionally, the Planning Commission or its designee may require a buffer measuring between 50 feet and 200 feet in width along the common boundary between subdivisions and farms or APDs. This requirement shall not apply to properties that are not eligible to create more than ~~five~~ **seven** lots or to owners who voluntarily restrict the number of lots to no more than ~~five~~ **seven** in perpetuity.

ARTICLE 7-1.05.F.2

ARTICLE 7-1.05.F.2.a

ARTICLE 7-1.05.F.2.b

ARTICLE 7-1.05.F.2.c

2. Subdivisions containing ~~five~~ **seven** or fewer lots shall be exempt from the Adequate Public Facilities Requirements **if the following items can be met:**
 - a. the subject parcel was a parcel of record as of February 23, 1988 and it is determined that the maximum number of lots to which a parcel is entitled is ~~five~~ **seven** or fewer (including any existing residences), or
 - b. an owner voluntarily restricts the maximum number of lots to no more than ~~five~~ **seven** (including any existing residences) **from parcels of record as of February 23, 1988. Any existing residence must be included on an individual lot, or**
 - c. **Subdivisions that were recorded prior to October 1, 2012, with a maximum of five lots exempted from the Adequate Public Facilities Requirements shall be permitted additional exempt lots not to exceed a total of seven lots. The total number of exempt lots may not exceed seven lots from any parcel of record as of February 23, 1988.**

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ARTICLE 7-1.06.D.6.b

6. Right-of-way widths for proposed subdivision roads shall be a minimum of 50 feet. This width may be reduced from 50 feet to 30 feet in the following:
 - a. The Farm and Forest District and Rural Community District if 10 or fewer lots will be fronting on the proposed subdivision road.
 - b. The Residential District and within clustered and Transfer Zone subdivisions of ~~five~~ **seven** or fewer lots of single-family detached homes with lots of 40,000 square feet and greater fronting on the proposed subdivision road.

ARTICLE 7-1.06.J.10;

ARTICLE 7-1.06.J.11

10. A private ~~easement or~~ right-of-way of at least ~~46~~ **20** feet in width shall be provided when access is served to one to ~~five~~ **seven** building sites. The ~~46~~ **20** -foot ~~easement or~~ right-of-way shall be suitable for the provision of ~~a 12-foot wide driveway with two foot wide shoulders~~ **a Family Conveyance Roadway, constructed per Plate RD-1A of the Calvert County Construction Standards for Roads, Streets and Incidental Structures as amended from time to time.**
11. An ~~private~~ **private** easement or right-of-way of at least 24 feet in width shall be provided to the property being subdivided for family conveyances and improved to ~~Family Conveyance roadway standards for Plate RD-1A of the Calvert County Construction Standards for Roads, Streets and Incidental Structures as currently amended and in effect~~ **Family Conveyance roadway standards for Plate RD-1A of the Calvert County Construction Standards for Roads, Streets and Incidental Structures as currently amended and in effect** ~~16 foot in width with four inches of compacted gravel, and two foot wide earth compacted shoulders~~ when serving six ~~eight~~ **eight** to 10 building sites.

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ARTICLE 7-1.06.K.1
 ARTICLE 7-1.06.K.3

K. Approvals of Private Roads for Non-Residential Subdivisions

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

1. They shall meet the standards on Plate RD-6 **8A or 8B** of the Calvert County **Construction Standards for Roads, Streets and Incidental Structures, as amended from time to time.** ~~Road Ordinance (Chapter 104 of the Code of Calvert County).~~
2. Access shall be provided to a State or County road meeting the standards of the Calvert County Road Ordinance (Chapter 104 of the Code of Calvert County).
3. The proposed privately owned road shall serve a maximum of ~~five~~ **seven** lots, including developed parcels and parcels eligible to obtain a building permit.
4. The proposed privately owned road shall be private, non-County owned and maintained and shall not be eligible for acceptance into the County road system for County ownership or for County maintenance. A notation of such restriction shall be placed on the plat and signed by the property owners. The right of ingress and egress extends to all lots created. The lot owners shall be responsible for providing for road construction and maintenance including snow removal and repairs as well as other improvements and road services normally provided by the County. If and when there is a desire to make this right-of-way a County road, it shall be upgraded to County Road Standards as set forth in the Road Ordinance (Chapter 104 of the Code of Calvert County) and this Article in effect at the time of said upgrading. The cost of design, construction and bonding shall be borne by the lot owners abutting such road way prior to acceptance by the County. If upgraded to County standards, such upgrading shall be for the entire limit of the road to the nearest County or State road.

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ARTICLE 7-1.06.L.1

ARTICLE 7-1.06.L.2

L. Approval of Private Lanes in Single-Family Residential Communities (Non-Family Conveyance Subdivisions)

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

1. They shall meet the standards on Plate RD-**1B of the Calvert County construction Standards for Roads, Streets and Incidental Structures as amended from time to time.** ~~of applicable plate of the Calvert County Road Ordinance (Chapter 104 of the Code of Calvert County).~~
2. The proposed private lane shall serve no more than ~~five~~ **seven** lots, including developed lots or parcels or those parcels eligible to obtain a building permit.
3. The use of such lots shall be restricted to single-family dwellings or agricultural purposes as long as the private lane remains private.
4. The proposed private lane shall be private, non-County owned and maintained and shall not be eligible for acceptance into the County road system for County ownership or for County maintenance. A notation of such restriction shall be placed on the plat and signed by the property owners. The developer shall be responsible for providing for road construction and the lot owners for maintenance including snow removal and repairs as well as other improvements and road services normally provided by the County. The cost of design, construction and bonding shall be borne by the developer.

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ARTICLE 7-1.06.O.6

Non-Residential Subdivisions

1. Subdivisions which are non-residential in nature, such as commercial and industrial developments, shall conform to the standards established in the Calvert County Zoning Ordinance.
2. The developer shall demonstrate to the satisfaction of the Planning Commission that the road, parcel and block pattern is specifically adapted to the uses anticipated and takes into account existing and proposed uses in the vicinity.
3. Alleyways with a minimum width of 30 feet may be required at the rear of all lots designated for commercial or industrial use, so as to provide access for service and delivery and emergency vehicles.
4. A concept plan of the proposed subdivision shall be submitted in accordance with Section 7-1.07.A.
5. Non-residential parcels that were created by deed after the adoption of the Subdivision Regulations (April 4, 1972) must obtain final subdivision approval from the Planning Commission prior to the issuance of any building permits for site development.
6. **Residue created as a result of a non-residential subdivision may be further subdivided. The remainder of a parcel or tract of land may be subdivided for nonresidential agricultural purposes, including, but not limited to, a farm stand, agricultural processing plant, or other farm related uses as defined under Articles 3 and 12. The owner may apply for approval of an on-site sewage disposal system to serve the nonresidential agricultural purposes.**

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ARTICLE 7-1.07.B.6.e

6. Preliminary Plan Procedures

- a. The Director of Planning & Zoning shall establish appropriate procedures and application forms (electronic and/or paper form) necessary to ensure adequate review and processing of subdivision applications in a timely manner (including a submittal time-frame) consistent with these Regulations. Included shall be a checklist, which shall show all information required for subdivision application submittal. The checklist shall be available at the Department of Planning & Zoning. Procedures (other than those specified by these regulations) shall be approved by the Board of County Commissioners. Review fees shall be set by the Board of County Commissioners.
- b. Upon receipt of a preliminary subdivision application, the Secretary to the Planning Commission, or the Secretary's designee, shall have 10 working days to certify that the application package is complete. If it is not complete, it shall be rejected. Prior to approval of any preliminary subdivision plan by either the Planning Commission or the Secretary to the Planning Commission (per paragraph 'e' of this Section), comments shall be requested from other agencies, including but not limited to: Department of Planning and Zoning; Engineering Bureau, Transportation Bureau, Bureau of Utilities¹, (Bureaus of the Department of Public Works); Department of Economic Development;² State Highway Administration³; Health Department⁴; and the appropriate electric utility serving the area.
- c. If the subdivision is located within the Critical Area, comments shall also be requested from the State Critical Area Commission, the State Department of Natural Resources and Maryland Department of the Environment.
- d. If the Principal Environmental Planner determines the subdivision to have severe environmental impacts, the subdivision may be referred to the Environmental Commission for comments. Such comments shall be submitted in a timely manner, and shall at no time delay the review process beyond the time period required by paragraph 'f' of this Section.
- e. By authority of the Planning Commission, proposed subdivisions of land containing ~~five~~ **seven** lots or less may be granted preliminary approval by the Chairman or Secretary to the Planning Commission in accordance with these Regulations.
- f. In accordance with these Regulations, the Planning Commission shall take action within three months, following certification by the Secretary to the Planning Commission that the subdivision application is complete and proper, where a quorum is present to approve or disapprove the preliminary subdivision plan or approve it with modifications. A statement, in writing, shall be furnished to the subdivision applicant indicating the actions of the Planning Commission. An applicant, or his/her authorized agent, may waive this requirement or agree to an extension of this period for approval.

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

² Only if the application is for a commercial or mixed-use subdivision.

³ Only if the application is located on an existing or proposed State road.

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

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Proposed text section proposed to be added

ARTICLE 7-1.07.B.9.a**ARTICLE 7-1.07.B.9.b**

8. The approval of the Preliminary Subdivision Plan shall expire after three years from the approval date unless an extension is granted by the Planning Commission. Final plat approval may be delayed if schools and/or roads are determined to be inadequate. See Section 7-1.05, Adequate Public Facilities Requirements, and the policy adopted by the Planning Commission titled, "Policies for Administering Subdivisions under the Adequate Public Facilities Ordinance for School Capacity", for specific requirements.
9. If, subsequent to preliminary approval, the applicant proposes changes to the plan, the applicant shall submit a revised plan application package to the Department of Planning and Zoning. If the proposed revisions significantly change the alignment or use of an approved right-of-way or significantly alter the layout and design of the subdivision, including but not limited to the configuration of the open space, then the revised application package shall adhere to the review and approval process set forth in Section 7-1.07.B.1-7. Otherwise, the revised plan shall be marked accordingly and a copy of the plan sent to the review agencies.
- a. All residential subdivisions submitted for preliminary plan approval on or before October 1, 2012 are exempt from the requirements of the Sustainable Growth and Agricultural Preservation Act of 2012. All residential subdivisions that are exempted from the Sustainable Growth and Agricultural Preservation Act of 2012 must receive preliminary approval by October 1, 2016 by the Planning Commission or its designee.**
- b. Any subdivisions plans approved prior to October 1, 2012 may be revised to be consistent with the Ordinance pertaining to the subdivision definition amendments (Ordinance 64-12) adopted on December 4, 2012. Such revisions shall be submitted to and reviewed by the Planning Commission or its designee. If regulations are amended subsequent to a preliminary approval, changes to the plan shall be reviewed under the review process applicable when the revised plan is submitted.**

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ARTICLE 7-1.07.C.3.r

3. Information to be Shown

- a. The subdivision name shall be shown in the title block in the bottom right corner of the plat.
- b. Owner and developer's name and address.
- c. Name, address and seal of the registered surveyor responsible for the plat. The surveyor must be registered in the State of Maryland.
- d. Date, north point, and scale.
- e. A vicinity map as described in Section 7-1.07.B.4.e.
- f. Names, intended ownership (public or private), and centerline of all proposed and adjoining roads with their rights-of-way widths.
- g. Accurate distances and bearings of all boundary lines of the subdivision.
- h. Lines of all lots, and a simple method of numbering to identify all lots and sections.
- l Building Restriction Lines, minimum lot widths if used to determine front Building Restriction Lines, and all easements provided for public and private service together with their dimensions and any limitations of the easements.
- j. All dimensions necessary for accurate location of the boundaries of the site to be developed and of all roads, lots, easements, and dedicated areas. All other parcels created as a result of the subdivision shall be included on the final plat and labeled so as to indicate intended use or disposition. These dimensions shall be expressed in feet and decimals of a foot.
- k. All radii, arcs, points of tangence, central angles, and lengths of curves.
- l. All required and existing survey monuments benchmarks (i.e., concrete monuments, pipe, trees, fences, etc.), together with their description.
- m. Private, self-imposed and previously existing covenants, restrictions and/or easements and their period of existence are to be shown or referred to on the recorded Final Subdivision Plat. This is not to preclude future recording of new or altered covenants, restrictions and/or easements.
- n. The accurate outline, dimensions and purposes of all property which is offered for dedication or is to be reserved for acquisition for public uses or is to be reserved by deed covenant for the common use of the property owners in the subdivision.
- o. Types of road surfaces to be provided.
- p. Location of storm drains, culverts, water courses, and all appurtenances thereof.
- q. Notes or conditions clarifying requirements of the Planning Commission.
- r. Notes specifying density used for the creation of lots and reservation of any remaining density that may be used for future subdivision of the lots and residue parcel.**

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Proposed text section proposed to be added

ARTICLE 7-1.09.B.4

B. Revisions to Final Plats (Replattings)

1. If the applicant proposes changes to the approved final plat, an amended plat of subdivision shall be filed with the Secretary to the Planning Commission for review and approval, approval with conditions, or disapproval by the Planning Commission or its designee, and recorded. If the proposed amendment alters recreation area or common open space⁵ within a particular section or phase and lot owners of that section or phase possess a vested interest in the recreation area or common open space through a specific grant by deed, plat, or other document recorded among the land records, then the application to the Planning Commission shall be signed by all property owners in that section or phase. If the subdivision is not recorded in sections or phases, then all property owners having a vested interest in the recreation area or common open space shall sign the application.
2. Replattings are required for any changes to the record plat that affect a lot or parcel including, but not limited to: lot line adjustments, easements, lateral line revisions, removal of a previously recorded condition and/or note, etc. Such revisions shall be drawn by a licensed surveyor and reviewed by the Department of Planning and Zoning and other County, State and Federal agencies. After all approvals, the plat may then be recorded in the Land Records of Calvert County.
3. The Department of Planning and Zoning shall maintain a policy for processing replattings, including a checklist of submittal requirements.
4. **Except as provided in Section 7-1.06.O of this Article, when the tract or parcel of land that is subdivided after October 1, 2012 reaches the maximum total number of lots, plats, building sites or other divisions of land that are allowed as a residential minor subdivision, the subdivision plat shall state that: The residential minor subdivision may not be resubdivided or further subdivided and the subdivision plat is subject to State Law and local ordinances and regulations.**

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

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ARTICLE 12

<u>Term</u>	<u>Definition</u>
Community Sewerage System	A publicly or privately owned sewerage system that serves at least two lots.
Controlling Authority, sewerage	A government body empowered by the county to provide for management, operation and continuous preventative and corrective maintenance of a shared facility.
Multiuse Sewerage System	A sewerage system that: (1) Serves only 1 lot; (2) Serves a number of individuals; (3) Has a treatment capacity of more than 5,000 gallons a day; and (4) Is not publicly owned or operated.
Public Sewer	A Community, Shared or Multiuse sewerage system.
Shared Facility, sewerage	A sewerage system that: serves more than one lot of land or more than one user on a single lot of land with water or sewerage systems located on the individual lots or on parcels owned in common by the users or the controlling authority.

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**SOLOMONS TOWN CENTER ZONING ORDINANCE
ARTICLE 2-10.03.C.1**

C. Permitted Uses and Special Exception Uses

Permitted and special exception uses shall be as indicated in Article 3 of the Calvert County Zoning Ordinance. In addition, the following conditions shall apply to special exception uses in Historic Districts:

1. If the property is a lot within a recorded subdivision containing more than ~~five~~ **seven** lots, the use shall only be permitted if:
 - a. access to the Historic District is not through the subdivision, and
 - b. all the lot owners in the subdivision sign the special exception application.
2. Parking and accessory uses such as refuse bins, storage, etc. shall be screened from view from adjoining properties.

**PRINCE FREDERICK TOWN CENTER ZONING ORDINANCE
ARTICLE III.K.
ARTICLE III.K.2.A
ARTICLE III.K.2.RECREATION AREA WORKSHEET
ARTICLE III.K.2.b**

(SEE ATTACHED)

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K. OPEN SPACE & RECREATION REQUIREMENTS

These requirements apply to all residential development projects with ~~five~~ **seven** or more dwelling units. (Use the Recreation Area Worksheet to determine how the following requirements apply to a given site).

1. During construction of the base road, recreation areas shall be graded and stabilized.
2. Basic minimum requirements: .05 acres (2180 sq. ft) of useable common outdoor open space per unit is required. No more than 25% of the total outdoor open space may be non-tidal wetlands.

Exception: The requirement for common outdoor open space may be waived for single family detached units having a minimum lot size of 5000 sq. ft. provided that all of the provisions for active recreation (below) are met.

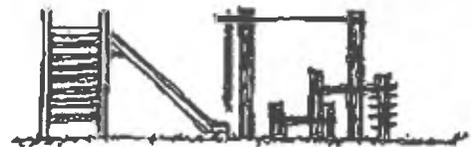
Out of the total open space acreage required, a minimum of 200 square feet per unit shall be developed for active recreation and distributed as listed below.

- a. Playing fields/Village Greens – 150 square feet per unit (except as provided below).

Purpose: To provide a central focal point and outdoor gathering space for the community; to provide for informal play close to home for children ages 7-14. May also serve as net games area, “village greens”, community house lawns and general open space. If more than one field is required, the Planning Commission may approve a swimming pool, tennis court or other type of active recreation facility within the boundaries of one of the fields.

Minimum Standards:

1-~~5~~ **7** units: exempt
 6-25 units: 5,000 sq. ft.; 75’ x 75’
 26+ units: 150 sq. ft. per unit but in no case less than 10,000 sq. ft.
 Size per field: 10,000 sq. ft.
 Dimensions: 100’ x 100’
 Must be level, open ground, good drainage; must be visible from the residential units the playing field is to serve, and must be accessible to children without crossing arterials or collector roads; must not be adjacent to public roads unless physical barriers adequate to prevent children from running out into the street are provided. These playing fields shall be graded at the time of base road construction.
 Exceptions: Variations in sizes and dimensions of playing fields may be approved provided they meet the purpose and minimum standards listed above. In cases where more than 2 fields are required, up to 30% of the required fields may be located on moderately hilly or wooded terrain. (Heavily wooded, steep ravines will not qualify.)



I.	One to five seven (1- 5 7) dwelling units: N/A
II.	Six to twenty-five (6-25) dwelling units: A. Open Space Required: Number of units _____ x .05 acres = _____ acres B. Minimum Active Recreation Required: 1. Playing field (75' x 75'): 5,000 sq. ft. 2. Mini-park: 400 sq. ft. 3. Paved Area: <u>N/A</u> 4. Total: 5,000 sq. ft.
III.	Twenty-six (26) dwelling units: A. Total Open Space Required: Number of units _____ x .05 = _____ acres B. Total Minimum Active Recreation Area Required: Number of units _____ x 200 sq. ft. = _____ sq. ft. Total Active Recreation Area to be distributed as follows: 1. Playing fields (10,000 sq. ft. per field) To calculate number of playing fields required: a. Number of units _____ x 150 sq. ft. = _____ sq. ft. b. Subtotal above _____ ÷ 10,000 sq. ft. = _____ (minimum one) c. Required number of fields: _____ (whole number in dividend) d. Total square footage in playing fields: _____ sq. ft. 2. Mini-parks To calculate: Number of units _____ x 15 sq. ft. = _____ sq. ft. 3. Paved Area (50' x 42' half court; 50' x 84' whole court) To calculate: a. Number of units _____ x 21 sq. ft. = _____ sq. ft. b. Subtotal above _____ ÷ 10,000 sq. ft. = _____ (If less than one, leave space blank) c. Required number of paved area: _____ (whole number in dividend) d. Total square footage in paved area: _____ sq. ft. 4. Remainder a. Total active recreation required (line III.B) _____ sq. ft. b. Total from line 1d = _____ sq. ft. Total from line 2 = _____ sq. ft. Total from line 3d = _____ sq. ft. TOTAL = _____ sq. ft. c. Total Remainder (subtract 4b from 4a = _____ sq. ft. Remainder may be used to provide a variety of recreational facilities including but not limited to: tennis courts, fitness trails, garden plots, playgrounds. Approval required.

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Proposed text section proposed to be added

- b. Miniparks (seating areas/preschool play areas) – Minimum 15 sq. ft. per unit.

Purpose: To provide informal outdoor seating areas close to home and at scattered locations throughout the community; to provide safe, enclosed outdoor spaces for preschoolers to play under adult supervision.

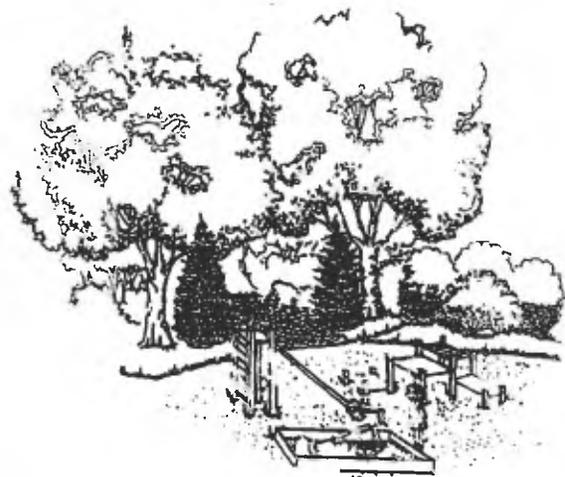
Minimum Standards:

1-5 7 units: exempt

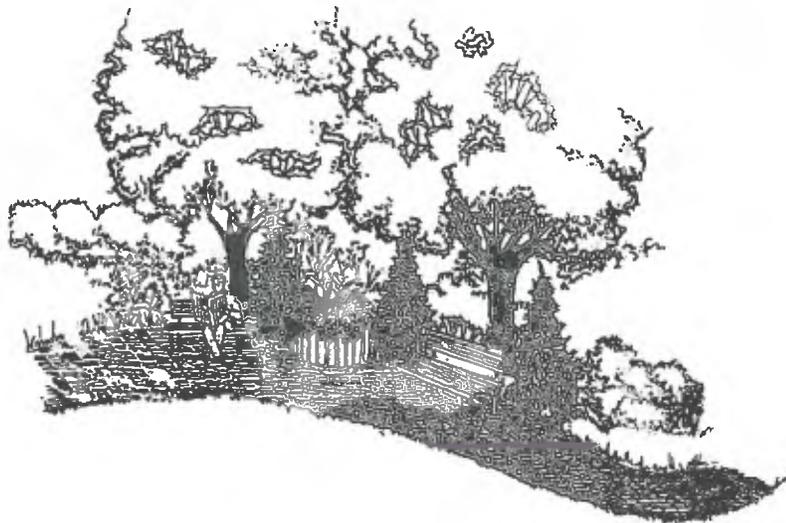
15 sq. ft. per unit but in no case less than 400 sq. ft.

A wide variety of sizes and designs of miniparks may be approved provided they meet the purposes outlined above. The essential elements are: (a) permanent seating for 3 to 6 persons, (b) landscaping to provide shade and amenities and to define and enclose the boundaries of the space and (c) safe locations.

Miniparks may be as small as 10'x12' and should generally be no larger than 40'x40'. The majority of the minimum required square footage is to be provided directly adjacent to the unit clusters. Building offsets may be used to create small miniparks (i.e., courtyards, squares). At least one minipark should be located adjacent to waterfront, tennis courts, community house or other centralized recreation areas in order to enable adults to "keep an eye on the children" while watching or participating in sports activities and/or to provide adults with opportunities for passive recreation in a social setting.



A mini-park can be an outdoor seating area or a small play ground.



ARTICLE 5-1.02.D.6.d

6. Family Conveyance Lots. Additional lots may be created through family conveyance. To be eligible to create and convey family conveyance lots, the current owner(s) must have owned the property as of November 2, 1999 or be a family member of lineal descent or ascent to whom the right has been transferred by will or deed. The following provisions apply:
- a. Any lot created as a family conveyance lot shall only be conveyed to a family member of lineal descent or ascent, being parent, child, grandchild or grandparent of the grantor. Only one lot may be granted to any one individual. An affidavit shall be executed by the grantor affirming that the grantee is of lineal descent or ascent and has not received any lots from the parent tract (as of June 29, 1967). The affidavit shall be submitted with the preliminary plan. A note shall be recorded on the plat identifying the lot as a family conveyance lot and the affidavit shall be shown on the final plat and signed by the owner.
 - b. Any deed for a lot that is created by a family conveyance subdivision under this Section shall contain a covenant stating that the lot is created subject to the provisions of this Section.
 - c. A lot created by a bona fide family conveyance subdivision may not be conveyed subsequently to any person other than a family member of lineal descent or ascent, unless five Transferable Development Rights (TDRs) per lot are applied and recorded by deed. This provision shall be in effect for seven years after the lot is recorded.
 - d. The number of conventional lots calculated in 'D.3' above may be doubled through the use of family conveyance lots up to a total maximum of seven lots, if the minimum lot size requirements can be met.
 - e. Notwithstanding the calculations above, up to three family conveyance lots may be created without the application of Transferable Development Rights (TDRs) provided that all of the conditions in this Section are met. Any family conveyance lots created after the first three lots shall require the application of five Transferable Development Rights per lot.

ARTICLE 5-1.03.D.7.d

7. Family Conveyance Lots. Additional lots may be created through family conveyance. To be eligible to create and convey family conveyance lots, the current owner(s) must have owned the property as of November 2, 1999 or be a family member of lineal descent or ascent to whom the right has been transferred by will or deed. The following provisions apply:
- a. Any lot created as a family conveyance lot shall only be conveyed to a family member of lineal descent or ascent, being parent, child, grandchild or grandparent of the grantor. Only one lot may be granted to any one individual. An affidavit shall be executed by the grantor affirming that the grantee is of lineal descent or ascent and has not received any lots from the parent tract (as of June 29, 1967) The affidavit shall be submitted with the preliminary plan . A note shall be recorded on the plat identifying the lot as a family conveyance lot and the affidavit shall be shown on the final plat and signed by the owner.
 - b. Any deed for a lot that is created by a family conveyance subdivision under this Section shall contain a covenant stating that the lot is created subject to the provisions of this Section.
 - c. A lot created by a bona fide family conveyance subdivision may not be conveyed subsequently to any person other than a family member of lineal descent or ascent, unless five Transferable Development Rights (TDRs) per lot are applied and recorded by deed. This provision shall be in effect for seven years after the lot is recorded.
 - d. The number of conventional lots calculated in 'D.4' above may be doubled through the use of family conveyance lots up to a total maximum of seven lots if the minimum lot size requirements can be met.
 - e. Notwithstanding the calculations above, up to three family conveyance lots may be created without the application of Transferable Development Rights provided that all of the conditions in this Section are met. Any family conveyance lots created after the first three lots shall require the application of five Transferable Development Rights (TDRs) per lot.

ARTICLE 5-1.04.D.4.d

4. Family Conveyance Lots. Additional lots or dwelling units may be created through family conveyance. To be eligible to create and convey family conveyance lots or dwelling units, the current owner(s) must have owned the property as of November 2, 1999 or be a family member of lineal descent or ascent to whom the right has been transferred by will or deed. The following provisions apply:
- a. Any lot or dwelling unit created as a family conveyance lot or dwelling unit shall only be conveyed to a family member of lineal descent or ascent, being parent, child, grandchild or grandparent of the grantor. Only one lot may be granted to any one individual. An affidavit shall be executed by the grantor affirming that the grantee is of lineal descent or ascent and has not received any lots or dwelling units from the parent tract (as of June 29, 1967). The affidavit shall be submitted with the preliminary plan. A note shall be recorded on the plat identifying the lot or dwelling unit as a family conveyance lot or dwelling unit and the affidavit shall be shown on the final plat and signed by the owner.
 - b. Any deed for a lot or dwelling unit that is created by a family conveyance subdivision under this Section shall contain a covenant stating that the lot or dwelling unit is created subject to the provisions of this Section.
 - c. A lot or dwelling unit created by a bona fide family conveyance subdivision may not be conveyed subsequently to any person other than a family member of lineal descent or ascent, unless five Transferable Development Rights (TDRs) per lot or dwelling unit are applied and recorded by deed. This provision shall be in effect for seven years after the lot or dwelling unit is recorded.
 - d. The number of conventional lots or dwelling units calculated in paragraph 'D.2' above may be doubled through the use of family conveyance lots or dwelling units up to a total maximum of seven lots or dwelling unit if the minimum lot size requirements can be met.
 - e. Notwithstanding the calculations above, up to three family conveyance lots may be created without the application of Transferable Development Rights provided that all of the conditions in this Section are met. Any family conveyance lots or dwelling units created after the first three lots or dwelling units shall require the application of five Transferable Development Rights (TDRs) per lot or dwelling unit.

ARTICLE 5-2.01.D.3.d

3. In addition to the requirements for subdivisions in Article 7 and Article 8, the following requirements shall apply:
- a. **Minimum road frontage: 25 feet.**
All lots must have at least 25 feet of frontage onto a public or private right-of-way, except for adjacent flag lots where the minimum road frontage for each lot may be reduced to 12.5 feet as provided in Sub-Section 'b'.
 - b. **Width of fee simple strips of flag lots: 25 feet**
The fee simple strip of a flag lot shall be at least 25 feet wide over its entire length, that is--from the lot proper to its frontage onto the right-of-way, except where the fee simple strips of two flag lots lie adjacent to each other in which case each fee simple strip may be as narrow as 12.5 feet wide, provided the two flag lots share and maintain a common access driveway. A note shall be placed on the subdivision plat stating that such driveways shall not be petitionable into the County road system or eligible for County maintenance.
 - c. **The fee simple strips of no more than two flag lots shall lie adjacent to each other.**
 - d. **Use of a private lane to serve three to seven lots:**
A private lane may be provided to serve three to seven lots, provided it meets the standards on plate RD-1B of the Calvert County Construction Standards for Roads, Streets and Incidental Structures as amended from time to time and in effect.
 - e. **To ensure adequate fire and safety protection, all buildings shall be accessible to rescue vehicles and fire trucks.**

ARTICLE 5-2.01.D.6.b

- 6. Fences & Buffers Adjacent to Farms & Agricultural Preservation Districts (APDs)
 - a. Fencing such as cattle fencing and chain link fencing may be required by the Planning Commission or its designee along the common boundary between subdivisions and farms or Agricultural Preservation Districts to protect farming operations from intruders (i.e., dogs and off-road vehicles) that can cause damage to crops and farm machinery.
 - b. Additionally, the Planning Commission or its designee may require a buffer measuring between 50 feet and 200 feet in width along the common boundary between subdivisions and farms or APDs. This requirement shall not apply to properties that are not eligible to create more than seven lots or to owners who voluntarily restrict the number of lots to no more than seven in perpetuity.

ARTICLE 7-1.05.F.2

ARTICLE 7-1.05.F.2.a

ARTICLE 7-1.05.F.2.b

ARTICLE 7-1.05.F.2.c

- 2. Subdivisions containing seven or fewer lots shall be exempt from the Adequate Public Facilities Requirements if the following items can be met:
 - a. the subject parcel was a parcel of record as of February 23, 1988 and it is determined that the maximum number of lots to which a parcel is entitled is seven or fewer (including any existing residences), or
 - b. an owner voluntarily restricts the maximum number of lots to no more than seven (including any existing residences) from parcels of record as of February 23, 1988. Any existing residence must be included on an individual lot, or
 - c. Subdivisions that were recorded prior to October 1, 2012, with a maximum of five lots exempted from the Adequate Public Facilities Requirements shall be permitted additional exempt lots not to exceed a total of seven lots. The total number of exempt lots may not exceed seven lots from any parcel of record as of February 23, 1988.

ARTICLE 7-1.06.D.6.b

6. Right-of-way widths for proposed subdivision roads shall be a minimum of 50 feet. This width may be reduced from 50 feet to 30 feet in the following:
 - a. The Farm and Forest District and Rural Community District if 10 or fewer lots will be fronting on the proposed subdivision road.
 - b. The Residential District and within clustered and Transfer Zone subdivisions of seven or fewer lots of single-family detached homes with lots of 40,000 square feet and greater fronting on the proposed subdivision road.

ARTICLE 7-1.06.J.10;**ARTICLE 7-1.06.J.11**

10. A private easement or right-of-way of at least 20 feet in width shall be provided when access is served to one to seven building sites. The 20 foot easement or right-of-way shall be suitable for the provision of a Family Conveyance Roadway, constructed per Plate RD-1A of the Calvert County Construction Standards for Roads, Streets and Incidental Structures as amended from time to time.
11. A private easement or right-of-way of at least 24 feet in width shall be provided to the property being subdivided for family conveyances and improved to Family Conveyance roadway standards for Plate RD-1A of the Calvert County Construction Standards for Roads, Streets and Incidental Structures as currently amended and in effect when serving eight to 10 building sites.

ARTICLE 7-1.06.K.1
ARTICLE 7-1.06.K.3

K. Approvals of Private Roads for Non-Residential Subdivisions

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

1. They shall meet the standards on Plate RD-8A or 8B of the Calvert County Construction Standards for Roads, Streets and Incidental Structures, as amended from time to time.
2. Access shall be provided to a State or County road meeting the standards of the Calvert County Road Ordinance (Chapter 104 of the Code of Calvert County).
3. The proposed privately owned road shall serve a maximum of seven lots, including developed parcels and parcels eligible to obtain a building permit.
4. The proposed privately owned road shall be private, non-County owned and maintained and shall not be eligible for acceptance into the County road system for County ownership or for County maintenance. A notation of such restriction shall be placed on the plat and signed by the property owners. The right of ingress and egress extends to all lots created. The lot owners shall be responsible for providing for road construction and maintenance including snow removal and repairs as well as other improvements and road services normally provided by the County. If and when there is a desire to make this right-of-way a County road, it shall be upgraded to County Road Standards as set forth in the Road Ordinance (Chapter 104 of the Code of Calvert County) and this Article in effect at the time of said upgrading. The cost of design, construction and bonding shall be borne by the lot owners abutting such road way prior to acceptance by the County. If upgraded to County standards, such upgrading shall be for the entire limit of the road to the nearest County or State road.

ARTICLE 7-1.06.L.1
ARTICLE 7-1.06.L.2

L. Approval of Private Lanes in Single-Family Residential Communities (Non-Family Conveyance Subdivisions)

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

1. They shall meet the standards on Plate RD-1B of the Calvert County construction Standards for Roads, Streets and Incidental Structures as amended from time to time.
2. The proposed private lane shall serve no more than seven lots, including developed lots or parcels or those parcels eligible to obtain a building permit.
3. The use of such lots shall be restricted to single-family dwellings or agricultural purposes as long as the private lane remains private.
4. The proposed private lane shall be private, non-County owned and maintained and shall not be eligible for acceptance into the County road system for County ownership or for County maintenance. A notation of such restriction shall be placed on the plat and signed by the property owners. The developer shall be responsible for providing for road construction and the lot owners for maintenance including snow removal and repairs as well as other improvements and road services normally provided by the County. The cost of design, construction and bonding shall be borne by the developer.

ARTICLE 7-1.06.O.6**Non-Residential Subdivisions**

1. Subdivisions which are non-residential in nature, such as commercial and industrial developments, shall conform to the standards established in the Calvert County Zoning Ordinance.
2. The developer shall demonstrate to the satisfaction of the Planning Commission that the road, parcel and block pattern is specifically adapted to the uses anticipated and takes into account existing and proposed uses in the vicinity.
3. Alleyways with a minimum width of 30 feet may be required at the rear of all lots designated for commercial or industrial use, so as to provide access for service and delivery and emergency vehicles.
4. A concept plan of the proposed subdivision shall be submitted in accordance with Section 7-1.07.A.
5. Non-residential parcels that were created by deed after the adoption of the Subdivision Regulations (April 4, 1972) must obtain final subdivision approval from the Planning Commission prior to the issuance of any building permits for site development.
6. Residue created as a result of a non-residential subdivision may be further subdivided. The remainder of a parcel or tract of land may be subdivided for nonresidential agricultural purposes, including, but not limited to, a farm stand, agricultural processing plant, or other farm related uses as defined under Articles 3 and 12. The owner may apply for approval of an on-site sewage disposal system to serve the nonresidential agricultural purposes.

ARTICLE 7-1.07.B.6.e

6. Preliminary Plan Procedures

- a. The Director of Planning & Zoning shall establish appropriate procedures and application forms (electronic and/or paper form) necessary to ensure adequate review and processing of subdivision applications in a timely manner (including a submittal time-frame) consistent with these Regulations. Included shall be a checklist, which shall show all information required for subdivision application submittal. The checklist shall be available at the Department of Planning & Zoning. Procedures (other than those specified by these regulations) shall be approved by the Board of County Commissioners. Review fees shall be set by the Board of County Commissioners.
- b. Upon receipt of a preliminary subdivision application, the Secretary to the Planning Commission, or the Secretary's designee, shall have 10 working days to certify that the application package is complete. If it is not complete, it shall be rejected. Prior to approval of any preliminary subdivision plan by either the Planning Commission or the Secretary to the Planning Commission (per paragraph 'e' of this Section), comments shall be requested from other agencies, including but not limited to: Department of Planning and Zoning; Engineering Bureau, Transportation Bureau, Bureau of Utilities¹, (Bureaus of the Department of Public Works); Department of Economic Development;² State Highway Administration³; Health Department⁴; and the appropriate electric utility serving the area.
- c. If the subdivision is located within the Critical Area, comments shall also be requested from the State Critical Area Commission, the State Department of Natural Resources and Maryland Department of the Environment.
- d. If the Principal Environmental Planner determines the subdivision to have severe environmental impacts, the subdivision may be referred to the Environmental Commission for comments. Such comments shall be submitted in a timely manner, and shall at no time delay the review process beyond the time period required by paragraph 'f' of this Section.
- e. By authority of the Planning Commission, proposed subdivisions of land containing seven lots or less may be granted preliminary approval by the Chairman or Secretary to the Planning Commission in accordance with these Regulations.
- f. In accordance with these Regulations, the Planning Commission shall take action within three months, following certification by the Secretary to the Planning Commission that the subdivision application is complete and proper, where a quorum is present to approve or disapprove the preliminary subdivision plan or approve it with modifications. A statement, in writing, shall be furnished to the subdivision applicant indicating the actions of the Planning Commission. An applicant, or his/her authorized agent, may waive this requirement or agree to an extension of this period for approval.

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

² Only if the application is for a commercial or mixed-use subdivision.

³ Only if the application is located on an existing or proposed State road.

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

ARTICLE 7-1.07.B.9.a**ARTICLE 7-1.07.B.9.b**

8. The approval of the Preliminary Subdivision Plan shall expire after three years from the approval date unless an extension is granted by the Planning Commission. Final plat approval may be delayed if schools and/or roads are determined to be inadequate. See Section 7-1.05, Adequate Public Facilities Requirements, and the policy adopted by the Planning Commission titled, "Policies for Administering Subdivisions under the Adequate Public Facilities Ordinance for School Capacity", for specific requirements.
9. If, subsequent to preliminary approval, the applicant proposes changes to the plan, the applicant shall submit a revised plan application package to the Department of Planning and Zoning. If the proposed revisions significantly change the alignment or use of an approved right-of-way or significantly alter the layout and design of the subdivision, including but not limited to the configuration of the open space, then the revised application package shall adhere to the review and approval process set forth in Section 7-1.07.B.1-7. Otherwise, the revised plan shall be marked accordingly and a copy of the plan sent to the review agencies.
 - a. All residential subdivisions submitted for preliminary plan approval on or before October 1, 2012 are exempt from the requirements of the Sustainable Growth and Agricultural Preservation Act of 2012. All residential subdivisions that are exempted from the Sustainable Growth and Agricultural Preservation Act of 2012 must receive preliminary approval by October 1, 2016 by the Planning Commission or its designee.
 - b. Any subdivisions plans approved prior to October 1, 2012 may be revised to be consistent with the Ordinance pertaining to the subdivision definition amendments (Ordinance 64-12) adopted on December 4, 2012. Such revisions shall be submitted to and reviewed by the Planning Commission or its designee. If regulations are amended subsequent to a preliminary approval, changes to the plan shall be reviewed under the review process applicable when the revised plan is submitted.

ARTICLE 7-1.07.C.3.r**3. Information to be Shown**

- a. The subdivision name shall be shown in the title block in the bottom right corner of the plat.
- b. Owner and developer's name and address.
- c. Name, address and seal of the registered surveyor responsible for the plat. The surveyor must be registered in the State of Maryland.
- d. Date, north point, and scale.
- e. A vicinity map as described in Section 7-1.07.B.4.e.
- f. Names, intended ownership (public or private), and centerline of all proposed and adjoining roads with their rights-of-way widths.
- g. Accurate distances and bearings of all boundary lines of the subdivision.
- h. Lines of all lots, and a simple method of numbering to identify all lots and sections.
- i. Building Restriction Lines, minimum lot widths if used to determine front Building Restriction Lines, and all easements provided for public and private service together with their dimensions and any limitations of the easements.
- j. All dimensions necessary for accurate location of the boundaries of the site to be developed and of all roads, lots, easements, and dedicated areas. All other parcels created as a result of the subdivision shall be included on the final plat and labeled so as to indicate intended use or disposition. These dimensions shall be expressed in feet and decimals of a foot.
- k. All radii, arcs, points of tangence, central angles, and lengths of curves.
- l. All required and existing survey monuments benchmarks (i.e., concrete monuments, pipe, trees, fences, etc.), together with their description.
- m. Private, self-imposed and previously existing covenants, restrictions and/or easements and their period of existence are to be shown or referred to on the recorded Final Subdivision Plat. This is not to preclude future recording of new or altered covenants, restrictions and/or easements.
- n. The accurate outline, dimensions and purposes of all property which is offered for dedication or is to be reserved for acquisition for public uses or is to be reserved by deed covenant for the common use of the property owners in the subdivision.
- o. Types of road surfaces to be provided.
- p. Location of storm drains, culverts, water courses, and all appurtenances thereof.
- q. Notes or conditions clarifying requirements of the Planning Commission.
- r. Notes specifying density used for the creation of lots and reservation of any remaining density that may be used for future subdivision of the lots and residue parcel.

ARTICLE 7-1.09.B.4**B. Revisions to Final Plats (Replattings)**

1. If the applicant proposes changes to the approved final plat, an amended plat of subdivision shall be filed with the Secretary to the Planning Commission for review and approval, approval with conditions, or disapproval by the Planning Commission or its designee, and recorded. If the proposed amendment alters recreation area or common open space⁵ within a particular section or phase and lot owners of that section or phase possess a vested interest in the recreation area or common open space through a specific grant by deed, plat, or other document recorded among the land records, then the application to the Planning Commission shall be signed by all property owners in that section or phase. If the subdivision is not recorded in sections or phases, then all property owners having a vested interest in the recreation area or common open space shall sign the application.
2. Replattings are required for any changes to the record plat that affect a lot or parcel including, but not limited to: lot line adjustments, easements, lateral line revisions, removal of a previously recorded condition and/or note, etc. Such revisions shall be drawn by a licensed surveyor and reviewed by the Department of Planning and Zoning and other County, State and Federal agencies. After all approvals, the plat may then be recorded in the Land Records of Calvert County.
3. The Department of Planning and Zoning shall maintain a policy for processing replattings, including a checklist of submittal requirements.
4. Except as provided in Section 7-1.06.O of this Article, when the tract or parcel of land that is subdivided after October 1, 2012 reaches the maximum total number of lots, plats, building sites or other divisions of land that are allowed as a residential minor subdivision, the subdivision plat shall state that: The residential minor subdivision may not be resubdivided or further subdivided and the subdivision plat is subject to State Law and local ordinances and regulations.

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

ARTICLE 12

Term	Definition
Community Sewerage System	A publicly or privately owned sewerage system that serves at least two lots.
Controlling Authority, sewerage	A government body empowered by the county to provide for management, operation and continuous preventative and corrective maintenance of a shared facility.
Multiuse Sewerage System	A sewerage system that: (1) Serves only 1 lot; (2) Serves a number of individuals; (3) Has a treatment capacity of more than 5,000 gallons a day; and (4) Is not publicly owned or operated.
Public Sewer	A Community, Shared or Multiuse sewerage system.
Shared Facility, sewerage	A sewerage system that: serves more than one lot of land or more than one user on a single lot of land with water or sewerage systems located on the individual lots or on parcels owned in common by the users or the controlling authority.

**SOLOMONS TOWN CENTER ZONING ORDINANCE
ARTICLE 2-10.03.C.1**

C. Permitted Uses and Special Exception Uses

Permitted and special exception uses shall be as indicated in Article 3 of the Calvert County Zoning Ordinance. In addition, the following conditions shall apply to special exception uses in Historic Districts:

1. If the property is a lot within a recorded subdivision containing more than seven lots, the use shall only be permitted if:
 - a. access to the Historic District is not through the subdivision, and
 - b. all the lot owners in the subdivision sign the special exception application.
2. Parking and accessory uses such as refuse bins, storage, etc. shall be screened from view from adjoining properties.

**PRINCE FREDERICK TOWN CENTER ZONING ORDINANCE
ARTICLE III.K.
ARTICLE III.K.2.A
ARTICLE III.K.2.RECREATION AREA WORKSHEET
ARTICLE III.K.2.b**

(SEE ATTACHED)

K. OPEN SPACE & RECREATION REQUIREMENTS

These requirements apply to all residential development projects with seven or more dwelling units. (Use the Recreation Area Worksheet to determine how the following requirements apply to a given site).

1. During construction of the base road, recreation areas shall be graded and stabilized.
2. Basic minimum requirements: .05 acres (2180 sq. ft) of useable common outdoor open space per unit is required. No more than 25% of the total outdoor open space may be non-tidal wetlands.

Exception: The requirement for common outdoor open space may be waived for single family detached units having a minimum lot size of 5000 sq. ft. provided that all of the provisions for active recreation (below) are met.

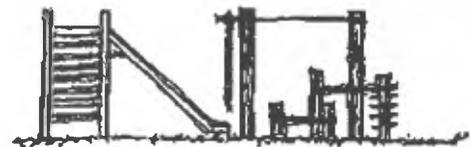
Out of the total open space acreage required, a minimum of 200 square feet per unit shall be developed for active recreation and distributed as listed below.

- a. Playing fields/Village Greens – 150 square feet per unit (except as provided below).

Purpose: To provide a central focal point and outdoor gathering space for the community; to provide for informal play close to home for children ages 7-14. May also serve as net games area, “village greens”, community house lawns and general open space. If more than one field is required, the Planning Commission may approve a swimming pool, tennis court or other type of active recreation facility within the boundaries of one of the fields.

Minimum Standards:

1- 7 units: exempt
 6-25 units: 5,000 sq. ft.; 75’ x 75’
 26+ units: 150 sq. ft. per unit but in no case less than 10,000 sq. ft.
 Size per field: 10,000 sq. ft.
 Dimensions: 100’ x 100’
 Must be level, open ground, good drainage; must be visible from the residential units the playing field is to serve, and must be accessible to children without crossing arterials or collector roads; must not be adjacent to public roads unless physical barriers adequate to prevent children from running out into the street are provided. These playing fields shall be graded at the time of base road construction.
 Exceptions: Variations in sizes and dimensions of playing fields may be approved provided they meet the purpose and minimum standards listed above. In cases where more than 2 fields are required, up to 30% of the required fields may be located on moderately hilly or wooded terrain. (Heavily wooded, steep ravines will not qualify.)



I.	One to seven (1-7) dwelling units: N/A
II.	Six to twenty-five (6-25) dwelling units: <p>A. Open Space Required: Number of units _____ x .05 acres = _____ acres</p> <p>B. Minimum Active Recreation Required:</p> <ol style="list-style-type: none"> 1. Playing field (75' x 75'): 5,000 sq. ft. 2. Mini-park: 400 sq. ft. 3. Paved Area: <u>N/A</u> 4. Total: 5,000 sq. ft.
III.	Twenty-six (26) dwelling units: <p>A. Total Open Space Required: Number of units _____ x .05 = _____ acres</p> <p>B. Total Minimum Active Recreation Area Required: Number of units _____ x 200 sq. ft. = _____ sq. ft.</p> <p>Total Active Recreation Area to be distributed as follows:</p> <ol style="list-style-type: none"> 1. Playing fields (10,000 sq. ft. per field) To calculate number of playing fields required: <ol style="list-style-type: none"> a. Number of units _____ x 150 sq. ft. = _____ sq. ft. b. Subtotal above _____ ÷ 10,000 sq. ft. = _____ (minimum one) c. Required number of fields: _____ (whole number in dividend) d. Total square footage in playing fields: _____ sq. ft. 2. Mini-parks To calculate: Number of units _____ x 15 sq. ft. = _____ sq. ft. 3. Paved Area (50' x 42' half court; 50' x 84' whole court) To calculate: <ol style="list-style-type: none"> a. Number of units _____ x 21 sq. ft. = _____ sq. ft. b. Subtotal above _____ ÷ 10,000 sq. ft. = _____ (If less than one, leave space blank) c. Required number of paved area: _____ (whole number in dividend) d. Total square footage in paved area: _____ sq. ft. 4. Remainder <ol style="list-style-type: none"> a. Total active recreation required (line III.B) _____ sq. ft. b. Total from line 1d = _____ sq. ft. Total from line 2 = _____ sq. ft. Total from line 3d = _____ sq. ft. TOTAL = _____ sq. ft. c. Total Remainder (subtract 4b from 4a = _____ sq. ft. <p>Remainder may be used to provide a variety of recreational facilities including but not limited to: tennis courts, fitness trails, garden plots, playgrounds. Approval required.</p>

- b. Miniparks (seating areas/preschool play areas) – Minimum 15 sq. ft. per unit.

Purpose: To provide informal outdoor seating areas close to home and at scattered locations throughout the community; to provide safe, enclosed outdoor spaces for preschoolers to play under adult supervision.

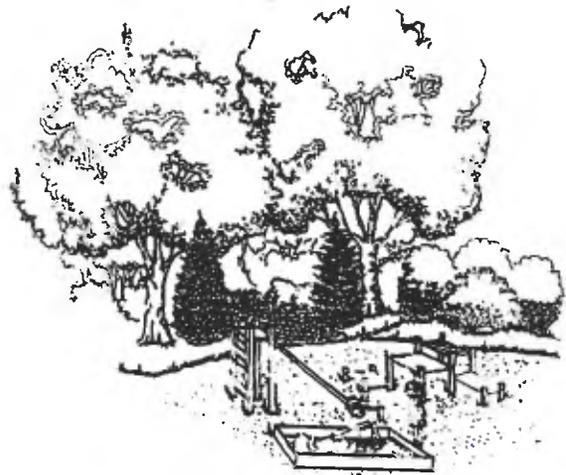
Minimum Standards:

1-7 units: exempt

15 sq. ft. per unit but in no case less than 400 sq. ft.

A wide variety of sizes and designs of miniparks may be approved provided they meet the purposes outlined above. The essential elements are: (a) permanent seating for 3 to 6 persons, (b) landscaping to provide shade and amenities and to define and enclose the boundaries of the space and (c) safe locations.

Miniparks may be as small as 10'x12' and should generally be no larger than 40'x40'. The majority of the minimum required square footage is to be provided directly adjacent to the unit clusters. Building offsets may be used to create small miniparks (i.e., courtyards, squares). At least one minipark should be located adjacent to waterfront, tennis courts, community house or other centralized recreation areas in order to enable adults to “keep an eye on the children” while watching or participating in sports activities and/or to provide adults with opportunities for passive recreation in a social setting.



A mini-park can be an outdoor seating area or a small play ground.

