

Re-Recorded with correction on Page 11.

ORDINANCE NO. ORD-09-09

**AN ORDINANCE TO AMEND THE TEXT OF THE
WASHINGTON COUNTY SUBDIVISION ORDINANCE**

(Case No. SO-09-001)

RECITALS

The Board of County Commissioners of Washington County, Maryland (the "Board"), adopted the Washington County Subdivision Ordinance (the "Ordinance") on September 8, 1970, and said Ordinance has been amended on numerous occasions since that date.

Additional amendments to the Ordinance have been recommended by the Washington County Planning Department (the "Planning Department"), which include expanded definitions of a Lot, Lot of Record, and Lot Lines and updated verbiage to the Preliminary/Final and Simplified Plat submission and approval procedures sections. The Planning Staff believes that these amendments will better facilitate the processing of plats and the understanding of the subdivision procedure in Washington County.

The Planning Commission held a joint public meeting for the purpose of taking testimony on the amendments on March 16, 2009, pursuant to public notice duly given.

The Board of County Commissioners held a public hearing for the purpose of taking testimony on the amendments on June 23, 2009, pursuant to public notice duly given.

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The Board considered the recommendation of the Planning Commission and the Planning staff and any materials received as part of the public meeting and public hearing.

The Board conducted this review process in public session.

NOW, THEREFORE, BE IT ORDAINED that the Washington County Subdivision Ordinance, as amended, is further amended as follows:

(1) **ARTICLE II - DEFINITIONS**

Section 202 is amended as follows:

Section 202.29. is amended and shall read as follows:

202. TERMS DEFINED

29. Lot

An identified tract of land occupied or intended to be occupied by a principal building and its accessory buildings and uses, including all open spaces required by this ordinance.

A. Lot area, gross: the total area in square feet circumscribed by the lines of a lot.

B. Lot area, net: the gross lot area except when the legal instrument creating a lot shows the boundary of the lot extending into a public street right-of-way. In such cases, the lot boundary for purposes of computing the lot area shall be the street right of way line and the net lot area shall be the gross lot area less the area within the public right-of-way.

C. Lot, corner: a lot abutting on two or more streets at their intersection where the interior angle of the intersection does not exceed one hundred thirty-five (135) degrees. A lot with frontage on a curved street that approximates the shape of a triangle or semi-circle shall also be considered a corner lot.

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- D. Lot, reversed frontage: a through lot where one of the frontages abuts a public street or right-of-way but there is no access.
- E. Lot, through (aka double frontage): a lot having its front and rear lot lines abutting a public street or right-of-way.

Section 202.30. is amended and shall read as follows:

- 30. Lot of Record

A lot which is part of a subdivision recorded in the office of the Clerk of Circuit Court of Washington County or a lot or parcel described by metes and bounds, the description of which has been so recorded.

Section 202.31. is amended and shall read as follows:

- 31. Lot frontage

The front of a lot shall be construed to be the portion of the lot nearest a public street or public right-of-way. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to public streets shall be considered frontage, and yards shall be provided as required in the Zoning Ordinance.

Section 202.32. is deleted in its entirety.

- 32. [Intentionally left blank]

Section 202.33 is amended and shall read as follows:

- 33. Lot Lines

The lines bounding a lot.

- A. Lot line, front: a lot line along the frontage. In the case of a panhandle lot, the front of the lot shall be construed to be the portion of the body of the lot nearest a public street or public

right-of-way, but not from the line where the "handle" meets with the public street or road.

- B. Lot line, rear: a lot line which is opposite and most distant from the front lot line, and in the case of an irregular or triangular shaped lot, a line 10 feet in length within the lot parallel to and at the maximum distance from the front lot line.
- C. Lot line, side: a lot line which is not a front or rear lot line.
- D. Lot line, zero: the location of a building on a lot such that one of the building's sides rests directly on a lot line, but not attached to another building along that lot line.

(2) **ARTICLE III – PROCEDURE FOR SUBMISSION OF SUBDIVISION APPLICATIONS**

Section 301 is amended and shall read as follows:

301. METHOD

The procedure for obtaining approval of a subdivision plat consists of the following three steps:

- 1. Preliminary Consultation
- 2. Preliminary Plat Application Review and Approval
- 3. Final Plat Application Review and Approval

The planning director may reject any application that does not meet all requirements as set forth in this ordinance.

Section 302 is amended and shall read as follows:

302. PRELIMINARY CONSULTATION

Twelve (12) copies of a sketch plan and two (2) copies of a forest stand delineation shall be submitted at least three (3) weeks prior to the scheduled consultation date. A written summary of the preliminary consultation shall

be provided to the subdivider which will include a preliminary indication of the adequacy of public facilities according to the standards and requirements of the Adequate Public Facilities Ordinance.

Section 306 is amended as follows:

Section 306.1.B. is amended and shall read as follows:

306. INFORMATION

- 1. Vicinity Plan

B. Municipal boundaries within one thousand (1,000) feet of the tract.

Section 307 is amended as follows:

Section 307.1.E. is added and shall read as follows:

307. TITLE DESCRIPTION

- 1. Contents

E. The subdivision plat number assigned by the Planning Department.

Section 307.2 is amended and shall read as follows:

- 2. Existing Conditions

B. Locations, width, and names of all existing or prior platted streets or other public rights-of-way, streets, railroad, or utility rights-of-way, and parks or other

public open spaces, and municipal corporation lines within or adjoining the tracts.

- C. Utilities on and within 100 feet of the perimeter of the parcel being subdivided; location, size and invert elevation of sanitary, storm and combined sewers; location and size of water mains; location of fire hydrants, utility lines and street lights. If water mains and sewers are not on or adjoining the tract, indicate the direction of, distance to, and size of nearest water mains and sewers showing invert elevation of sewers.

- F. Other conditions on the tract: water courses and perennial or intermittent streams as defined in Section 202.55, marshes, rock outcrop areas showing on the surface of the land, wetlands as identified on the non-tidal wetlands guidance maps prepared by the Maryland Department of Natural Resources, limits of the one hundred year floodplain and its community panel number, and other significant features. List soil types and percentage of each type that are located within the lots and/or developed area and a specific notation of any soils on slopes of 15% of greater with a k factor of 0.35 percent. Unless exempt, a Forest Conservation Plan shall be prepared for the entire site in accordance with the Forest Conservation Ordinance and Manual.
- G. Other conditions on adjoining land within 100 feet of the newly created lot lines; approximate direction and gradient of ground slope, including any embankments or retaining walls; character and location of private sewer systems; railroads, utility lines; towers; and other nearby non-residential land uses or adverse influences; owners of adjoining platted and unplatted land (for adjoining platted land refer to subdivision plat of name recorded).

- H. Proposed public improvements; highways or other major improvements planned by public authorities for future construction on or near the tract.

Section 307.3.G. is amended and 307.3.N. is added and shall read as follows:

3. Proposed Conditions

- G. Site data, including number of residential lots; lot type; gross and net lot size, acres in parks, open spaces or school sites, if applicable; and total acreage of remaining land.

- N. List subdivision variance(s), zoning ordinance variance(s) and/or special exceptions granted as part of the development procedure of proposed plat. Include variance reference number, description of variance request and approval, any conditions, and date request was granted. Submit approval letter and/or opinion with plat submittal.

Section 309 is amended and shall read as follows:

309. PRELIMINARY PLAT APPROVAL

- 1. The Commission shall act to either approve, conditionally approve, or disapprove the preliminary plat, if all subdivision regulations have been complied with, within sixty (60) days from acceptance by the Planning Department. Approval is tentative involving the general acceptability of the layout submitted and shall in no way constitute approval of the final

plat. It shall be effective for a maximum period of two (2) years.

Section 310 is amended and shall read as follows:

310. EXTENSION OF TIME FOR APPROVAL OR DISAPPROVAL OF PRELIMINARY PLATS

Upon written request from the developer, the Planning Commission, or its designee, the Planning Director, may extend the time for approval or disapproval of the preliminary plat for a period not to exceed two (2) years. The granting of any subsequent extensions shall be at the sole discretion of the Planning Commission.

Sections 314.3, 314.6, and 314.7 are amended and Section 314.17.1 is added and shall read as follows:

314. INFORMATION

- 3. Location of subdivision by tax map number, election district, town, place, or other legal description as applicable. Subdivision plat number as assigned by the Planning Department.

- 6. Gross and net area of each lot, parcel, or other unit shown on the plat.

- 17. Limits of the One Hundred Year Floodplain and the Floodplain Community Panel Number. List soil types and percentage of each type that are located within the lots and/or developed area.

- 17.1 List subdivision variance(s), zoning ordinance variance(s) and/or special exceptions granted as part of the development procedure of proposed plat. Include variance reference number, description of variance request and approval, any conditions, and date request was granted. Submit approval letter and/or opinion with plat submittal.

Section 315 is amended and shall read as follows:

315. FINAL PLAT APPROVAL

- 3. The Commission shall approve or disapprove a final plat, if all subdivision regulations have been complied with, within thirty (30) days after acceptance, otherwise such plat shall be deemed to have been approved, and the certificates to that effect shall be issued by the Commission on demand. However, the applicant may waive this requirement and consent to an extension of such period. The grounds for disapproval of any plat shall be stated upon the records of the Commission. If the conditions of disapproval are later satisfied, the applicant may resubmit the final plat for final approval in accordance with the requirements of this Ordinance.

- 5. Within six (6) months following final plat approval, the developer or their agent shall file the plat for recording with the Clerk of Circuit Court. Within five (5) days of the recordation of the plat, the developer or their agent shall file one (1) reproducible and ten (10) copies of the plat with the Planning Department and a digital CADD file as specified in the County's Subdivision Digital Submittal Policy. If the plat is not filed and recorded within six (6) months of the Planning Commission's approval, the approval shall be void and of no further force or effect.

Note: Mylars must have all original signatures.

Section 318 is amended as follows:

Section 318.2.J. is amended and shall read as follows:

318. SIMPLIFIED PLAT PROCEDURE

2. The simplified plat shall contain the following information.

J. Within the parcel to be conveyed, the boundaries of the 100-year floodplain and its community panel number, the limits of the habitat of any threatened or endangered species, stream buffers as recommended by the Soil Conservation District according to the standards contained in Section 409 and any area which meets the definition of steep slope contained in Section 202.54 shall be shown. List soil types and percentages of each type that are located on parcels to be conveyed outside of the urban growth area.

Section 318.4.C. is amended and shall read as follows:

C. Within six (6) months following simplified plat approval, the developer or their agent shall file the plat for recording with the clerk of the circuit court. Within five (5) working days following recordation of the approved simplified plat, the developer shall provide the Planning Commission with ten (10) copies and one (1) reproducible of the plat and a digital CADD file as specified in the County Subdivision Digital Submittal Policy.

(3) ARTICLE IV - DESIGN PRINCIPLES AND STANDARDS is amended as follows:

Section 404 is amended and shall read as follows:

404. BUILDING SETBACK LINES

Building setback lines shall be regulated by the provisions of the Washington County Zoning Ordinance. For subdivision purposes, the front building setback line shall be measured from the right of way of each street or highway as established by the Washington County Highway Plan, or in the case of a panhandle lot, from that point as specified in Section 202.33.A.

(4) ARTICLE VI - CERTIFICATES is amended as follows:

Section 602 is amended and shall read as follows:

602. CERTIFICATE OF APPROVAL

FINAL APPROVAL GRANTED

Date

WASHINGTON COUNTY PLANNING COMMISSION

BY _____

SIX (6) MONTHS
FINAL APPROVAL GOOD FOR ~~NINETY (90) DAYS~~
FROM ABOVE DATE



Adopted this 22nd day of September 2009.
Effective the 22nd day of September 2009.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF WASHINGTON COUNTY, MARYLAND

Vicki C. Lumm
Vicki C. Lumm, Clerk

John F. Barr
John F. Barr, President


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Acts, Ordinances, Resolutions-County
Clerk of the Circuit Court
Washington County

Liber 12 Folio 0033

Acts, Ordinances, Resolutions-County
Clerk of the Circuit Court
Washington County

Approved as to legal sufficiency:


Kirk C. Downey
Assistant County Attorney

SEP 28 2009

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