

ORDINANCE NO. ORD-06-10

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

(Case No. SO-06-002)

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 would add a definition to Section 202 and which would update the Ordinance with amended policies and verbiage adopted by the Washington County Planning Commission and the State of Maryland over the last several years.

The Board and the Planning Commission held a joint public hearing for the purpose of taking testimony on the amendment on September 18, 2006, pursuant to public notice duly given.

Subsequent to the public hearing, the Board considered all the recommendations of the Planning Commission and the Planning staff and any materials received as part of the

public hearing. The Board conducted this review in public sessions.

The Board and the Planning Commission conducted this review process in public sessions.

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 202.48.1 is added and shall read as follows:

202. TERMS DEFINED

48.1 Remaining Lands

That portion of a subdivision for which no improvements have been identified at the time of subdivision except for existing dwellings, structures or appurtenances. Only one area or parcel on a subdivision plat may be identified as remaining lands. Land which cannot be subdivided any further because of zoning lot size requirements or other development limitations such as on-lot sewage system locations, shall be treated as a lot, not remaining land, and shall be subject to all development regulations.

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

Section 308 is amended as follows:

Sections 308.2.A and 308.2.K. are amended as follows:

308. OTHER PRELIMINARY PLAT INFORMATION

2. ***

A. Washington County Department of Water Quality

K. Maryland Water Resources Administration

An appropriation permit from the Maryland Water Resources Administration is required for subdivisions of ten (10) lots or more which are dependent on wells for water supply. The Planning Commission will approve the subdivision of such lots conditioned upon the issuance of a water appropriation permit by the Water Resources Administration. The owner shall sign a statement on the plat certifying: "I/We do hereby acknowledge that an approved water appropriation permit from the Maryland Water Resources Administration is required prior to the development of said lots. This acknowledgement shall be binding upon my/our guarantees, assigns, successors, heirs, and personal representatives."

Section 310 is amended 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 beyond sixty (60) days for such period as deemed appropriate.

Section 318 is amended as follows:

Section 318.2.L. is added and shall read as follows:

318. SIMPLIFIED PLAT PROCEDURE

2.

L. A note that states: "NOT FOR DEVELOPMENT" as noted in the simplified plat Owner's Statement, shall mean that building or zoning permits not be issued until such time as a development plat is submitted in accordance with the provisions of the Subdivision and

Adequate Public Facilities Ordinances and approved by the Washington County Planning Commission.

Section 318 is amended as follows:


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

4. Simplified Plat Approval

- A. As the Planning Commission's representative as authorized by Section 5.02 of Article 66B, Annotated Code of Maryland, Zoning and Planning, the Planning Director shall have the authority to review and approve all simplified plats for final approval provided all subdivision requirements have been met. The Planning Director shall approve or disapprove the simplified plat within sixty (60) days after submission; otherwise, such plat shall be deemed to have been approved and the certificate to that effect shall be issued by the director on demand. However, the applicant may waive this requirement and consent to an extension of such period. The grounds of disapproval or said plat shall be stated upon the records of the Commission.

Adopted this 31st day of October, 2006.
Effective the 31st day of October, 2006.

ATTEST:



Joni L. Bittner, Clerk

BOARD OF COUNTY COMMISSIONERS
OF WASHINGTON COUNTY, MARYLAND



Gregory L. Snook, President

Approved as to legal sufficiency:



John M. Martirano
County Attorney

Mail to:
Office of the County Attorney
100 W. Washington Street, Room 202
Hagerstown, MD 21740