

Article X Procedures for Subdivision of Land

§ 190-189. Major and minor subdivisions

- A. There are two types of subdivision: major subdivisions and minor subdivisions (see Definitions, Article XI)
- B. All subdivisions, major and minor, have three required stages of approval:
 - (1) Sketch plan.
 - (2) Preliminary plat.
 - (3) Final plat.
- C. Authority for minor subdivisions
 - (1) Decisions on minor subdivision plans shall be made by the Planning Director.
 - (2) The Planning Director in his decision approving a preliminary plat may also grant final plat approval if the preliminary plat is in substantial conformance with all applicable requirements.
 - (3) The Planning Director may require that a minor subdivision be considered by the Planning Commission in order to provide a public forum for discussion of the subdivision plan. The Planning Commission shall make a recommendation on the minor subdivision plan.
- D. Authority for major subdivisions
 - (1) Decisions on major subdivision plans shall be made by the Planning Commission.
 - (2) The Planning Commission in its decision approving a preliminary plat may also grant final plat approval if the preliminary plat is in substantial conformance with all applicable requirements.

§ 190-190. General procedures for review of subdivision plans

- A. Submission of applications

Applications for subdivision approval, including sketch plans, preliminary plats, final plats, and master plans, shall be submitted and reviewed for completeness in accordance with §190-170, General Application and Review Procedures, the application forms and checklists published by the Planning Office, and the requirements of this Article.
- B. Standards

Subdivisions shall comply with the subdivision design and development standards of §190-127, road access and design standards of §190-115, other development standards of Article V and all other requirements of this Chapter.
- C. Review by Technical Advisory Committee (TAC)
 - (1) Purpose

The Technical Advisory Committee (TAC) provides a vehicle for agencies to coordinate comments on plan applications, to jointly review plans, and to resolve issues of conflict or common concern. The TAC reviews plans for compliance with applicable local, state and federal requirements.

(2) There are two types of plan review meetings:

- (1) TAC Meetings, for review of initial or substantially amended plan submittals, and
- (2) Compliance Review Meetings (CRM), for review of substantially correct and complete final plats and minor amendments prior to signature approval.

(3) Agenda limits

The Planning Director shall limit the number of items on the agenda of each TAC Meeting and CRM.

(4) TAC meetings

- (1) Upon determining that a new or substantially amended subdivision plan application is complete, the Planning Director shall schedule the submission for the next available TAC meeting and transmit the plan for review and comments to the agencies comprising the TAC and other local, state and federal agencies that the Planning Director deems appropriate.
- (2) TAC meetings shall be open to the public, without public participation. Interested persons may submit written comments on a plan to the Planning Director prior to or within seven days after the TAC meeting.
- (3) The agenda of TAC meetings shall be prominently displayed on the Talbot County website on the Internet. In addition, public notice of TAC meetings shall be provided as specified in this Article for specific types of plans.

(5) Compliance Review Meetings (CRM)

The CRM provides coordinated agency review of final plats and revision plats to ensure that all conditions and requirements have been addressed before plats are submitted for signature approval and recorded in the Talbot County Land Records.

D. Action by Planning Director

Following the TAC Meeting, the Planning Office shall transmit to the applicant the comments of the reviewing agencies and one of the following:

- (1) A Notice to Proceed if the plan is approved or approved with conditions.
 - (1) The plan shall be approved if it is complete and correct and no revisions are needed.
 - (2) The plan shall be approved subject to conditions if it is substantially complete and correct but requires minor corrections and revisions.

- (2) A Notice of Noncompliance if the plan is not in substantial compliance with applicable requirements.

E. Action by Planning Commission

The following procedures apply only to subdivision plans for which Planning Commission approval is required by this Article.

- (1) Scheduling

After the Planning Director issues a Notice to Proceed following the TAC meeting, the plan shall be placed on the agenda of the next available Planning Commission meeting for which the required public notice can be provided.

- (2) Public notice

The Planning Commission meeting for sketch plans, preliminary plats, and final plats shall be advertised in accordance with the following requirements:

- (1) The meeting agenda be published once in at least one newspaper of general circulation in the County at least 15 days prior to the meeting.
- (2) The property shall be posted in accordance with §190-172, "Posting of property," except that one sign shall be posted on each road frontage surrounding the proposed subdivision.
- (3) The agenda shall be prominently displayed on the Talbot County website on the Internet.

- (3) Planning Director staff report

The Planning Director shall prepare a staff report on the subdivision plan which shall be provided to Planning Commission members and the applicant, and available for public review, prior to the Planning Commission meeting.

- (4) Planning Commission action

At its public meeting, the Planning Commission shall consider the application, the staff report and any comments made by citizens, and take action on the subdivision plan. The Commission's actions may include approval, approval subject to conditions, or disapproving the plan. The Planning Commission may defer action to a subsequent Planning Commission meeting.

- (5) Review Notice

- (1) If the Planning Commission approves the plan or approves it subject to conditions, the Planning Director shall issue a "Notice to Proceed" authorizing the applicant to proceed to the next stage of subdivision review.
- (2) If the Planning Commission disapproves the plan, a "Notice of Noncompliance" shall be issued.

F. Expiration of approval for major and minor subdivisions

- (1) An approved subdivision plan shall be valid for 12 months from the date that a Notice to Proceed is issued. An application for the next stage of subdivision approval must be submitted within this period.
- (2) Extension requests.
 - (1) The applicant may request an extension of time for an approved subdivision plan. The request shall be submitted to the Planning Director, in writing, prior to the expiration of the 12-month period for which the approval is valid.
 - (2) The Planning Director may grant a single, 12-month extension of an approved subdivision plan. Prior to granting an extension, the Planning Director may seek the recommendation of the appropriate reviewing authority or agencies.
- (3) If a subdivision plan of any stage of approval expires, the subdivision shall be treated as a new project requiring sketch plan submission.

G. Modifications to approved subdivision plans

At any stage in the subdivision review process, the Planning Director shall require that a subdivision plan repeat the previous stage of review if:

- (1) Modifications to the plan include changes beyond those required as conditions of approval by reviewing agencies or the Planning Commission; and
- (2) The Planning Director determines the modifications to be significant enough to require additional review by reviewing agencies or the Planning Commission.

§ 190-191. Master plans

- A. A master plan may be submitted at the applicant's discretion, or at the request of the Planning Director, if either party believes that a discussion of the proposed subdivision prior to sketch plan submission would be beneficial.
- B. The master plan shall be discussed at a presubmission meeting as provided for in §190-170.
- C. The master plan shall show:
 - (1) Major existing features of the property, including structures, agricultural land, forests, water courses or wetlands.
 - (2) Zoning district boundaries.
 - (3) Approximate boundaries of proposed lots and roads.
 - (4) The planned location of any additional lots to be created in the future, if applicable.
- D. For a major subdivision, the master plan shall be presented to the Planning Commission. Master plans shall be listed on the Planning Commission's published agenda.

- E. The Planning Commission and Planning Director may provide comments on the master plan based upon the purposes and policies of this chapter and the Comprehensive Plan. Comments on a master plan shall be advisory. The comments should not be construed as implying that a sketch plan based upon the comments will be able to comply with specific requirements of this chapter or other regulations applicable to the subdivision plan.

§ 190-192. Review of subdivision plans by the Historic Preservation Commission

- A. The Planning Director or Planning Commission may request Historic Preservation Commission review of sketch plans for major subdivisions if the property being subdivided contains or is contiguous to a property containing a historic resource identified in the Comprehensive Plan.
- B. The Planning Director or Planning Commission may request Historic Preservation Commission review of sketch plans for minor subdivisions if the property being subdivided contains a historic resource identified in the Comprehensive Plan.
- C. The Historic Preservation Commission shall consider the sketch plan at a public meeting and may submit written comments to the Planning Director addressing the impact of the subdivision on the historic resource and, if applicable, means of mitigating potential adverse impacts.
- D. The Planning Commission or Planning Director shall give consideration to, but shall not be bound by, comments provided by the Historic Preservation Commission.

§ 190-193. Sketch plan procedures

- A. Purpose

The purpose of the sketch plan is to indicate to the County the intent and scope of the subdivision and to familiarize the applicant with the County's planning goals and local, state and federal requirements which may affect the subdivision. Approval of a sketch plan does not imply certain approval of the subdivision, but is intended to enable the applicant to determine the general feasibility of the plan prior to incurring extensive costs for detailed surveying and engineering work.

- B. Community meeting for major subdivision sketch plans

- (1) The Planning Director or Planning Commission may require that the applicant hold a community meeting on a sketch plan for a major subdivision. The community meeting shall be:
 - (1) Required if the Planning Director or Planning Commission determines that a community meeting will help in raising and resolving subdivision design issues;
 - (2) Organized and held by the applicant in a location and at a time convenient to community residents; and

- (3) Open to all interested persons.
- (2) Public notice of the community meetings shall be provided through the following means:
 - (1) At least 15 days prior to the community meeting, the applicant shall mail notices of the meeting to community organizations for neighboring communities and to adjacent property owners as defined by §190-172.
 - (2) In addition, the applicant shall advertise the meeting once a week for two successive weeks in a newspaper of general circulation in the County. The last advertisement shall be published not more than 10 days prior to the date of the community meeting.
 - (3) The mailed notice and advertisement shall state the date, time and location of the meeting and a summary of the purpose of the proceeding in sufficient detail to inform the public of the nature of the proceeding.
- (3) The proceedings of the community meeting shall be summarized in a report from the applicant to the Planning Director.

C. TAC Review

- (1) All sketch plans shall be reviewed at a TAC meeting.
- (2) For a major subdivision, public notice of the TAC Meeting on the sketch plan shall be provided by posting the property and mailing notices to adjacent property owners in accordance with §190-172.B and D.
- (3) Within 10 days following the TAC Meeting, the Planning Director shall transmit to the applicant the comments of the reviewing agencies and either a Notice to Proceed or a Notice of Noncompliance.
- (4) If the Planning Director issues a Notice of Noncompliance:
 - (1) The applicant may submit an amended sketch plan within nine months from the date of the notice.
 - (2) The amended plan shall repeat the review process of the initial sketch plan submission.
 - (3) If an amended sketch plan is not submitted within nine months, a new sketch plan application is required.

D. Approval of minor subdivision sketch plan by the Planning Director

- (1) Upon addressing the conditions within the Notice to Proceed for a minor subdivision sketch plan, the applicant may submit an application for preliminary plat approval.
- (2) If the sketch plan submission for a minor subdivision is substantially complete and correct, the Planning Director in the Notice to Proceed may authorize submission of a combined preliminary/final plat to proceed directly to the CRM.

- E. Decision on major subdivision sketch plan by the Planning Commission.
- (1) Following the TAC meeting, upon issuance of a Notice to Proceed for a major subdivision, the Planning Office shall schedule the sketch plan for the next available Planning Commission meeting. The Planning Commission shall hear and decide on the plan in accordance with §190-190.E.
 - (2) If the Planning Commission approves the plan or approves it subject to conditions, the Planning Director shall issue a Notice to Proceed to the applicant. The Notice to Proceed shall include the Planning Commission's decision and any conditions of approval.
 - (3) If the Planning Commission does not approve the plan:
 - (1) The Planning Director shall issue a written Notice of Noncompliance to the applicant giving the reasons that the Planning Commission did not approve the plan.
 - (2) The applicant may submit an amended sketch plan addressing the deficiencies within nine months of the Notice of Noncompliance.
 - (3) The amended sketch plan shall complete the steps required for the initial sketch plan submission.
 - (4) If an amended sketch plan is not submitted within nine months, a new sketch plan application is required.

§ 190-194. Preliminary plat procedures

A. Purpose

The preliminary plat presents the detailed layout and design for a proposed subdivision. The plat enables the county to determine whether the proposed subdivision complies with the requirements of this chapter and those of other reviewing agencies.

B. Plat specifications

The application and plat shall include all material required by the application form and checklist published by the Planning Office. In addition, the application shall comply with the following:

- (1) The preliminary plat shall be prepared by a surveyor or other professional person qualified by law and licensed in the State of Maryland to seal and sign such plans, and shall be consistent with the plat requirements of the Annotated Code of Maryland.
- (2) The plat shall be at a convenient scale of not more than 100 feet to the inch. The sheets shall be numbered in sequence, if more than one sheet is used, and shall be 24 inches by 36 inches in size.
- (3) Dimensions shall be in feet and decimal parts thereof, and bearings in distance and degrees.
- (4) The preliminary plat shall conform to the approved sketch plan and address any required revisions, corrections or conditions of sketch plan approval.

C. TAC review

- (1) Preliminary plats shall be reviewed at a TAC meeting in accordance with §190-190, except that the Planning Director may authorize the preliminary plat for a minor subdivision to proceed directly to the final plat CRM stage.
- (2) Within 10 days following the TAC Meeting, the Planning Director shall transmit to the applicant the comments of the reviewing agencies and either a Notice to Proceed or a Notice of Noncompliance.
- (3) If the Planning Director issues a Notice of Noncompliance:
 - (1) The applicant may submit an amended preliminary plat within nine months from the date of the notice.
 - (2) The amended plan shall repeat the review process of the initial preliminary plat submission
 - (3) If an amended preliminary plat is not submitted within nine months, a new sketch plan application is required.

D. Approval of minor subdivision preliminary plat by the Planning Director

- (1) Upon addressing conditions of the Notice to Proceed for a minor subdivision preliminary plat, the applicant may submit a final plat to the TAC for review.
- (2) If the plat is in significant compliance with the requirements of this chapter, the Planning Director in the Notice to Proceed for the preliminary plat may authorize the final plat to proceed directly to the final plat CRM stage.

E. Decision by the Planning Commission for major subdivisions

- (1) Following the TAC meeting, upon issuance of a Notice to Proceed for a major subdivision, the Planning Office shall schedule the preliminary plat for the next available Planning Commission meeting. The Planning Commission shall hear and decide on the plat in accordance with §190-190.E.
- (2) If the Planning Commission approves the plat or approves it subject to conditions, the Planning Director shall issue a Notice to Proceed to the applicant giving the Planning Commission's decision and any conditions of approval.
- (3) If the Planning Commission does not approve the plat:
 - (1) The Planning Director shall issue a written Notice of Noncompliance to the applicant giving the reasons that the Planning Commission did not approve the plat.
 - (2) The applicant may submit an amended preliminary plat addressing the deficiencies within nine months of the Notice of Noncompliance.
 - (3) The amended preliminary plat shall complete the steps required for the initial preliminary plat submission.
 - (4) If an amended preliminary plat is not submitted within nine months, a new sketch plan application is required.

- (4) If the plat is in significant compliance with the requirements of this chapter, the Planning Commission in its decision approving the preliminary plat may also grant final plat approval, allowing the plan to proceed to the final TAC meeting or CRM stage as established in §190-190.

§ 190-195. Final plat procedures

A. Purpose

A final plat establishes the exact boundaries and dimensions of lots, road rights-of-way, easements, and other designations of land within a subdivision. The final plat also provides documentation ensuring that a subdivision complies with applicable requirements of local, state and federal regulations. The final plat becomes the official record of the division of land.

B. Submission requirements

The application and plat shall include all material required by the application form and checklist published by the Planning Office. In addition, the application shall comply with the following:

- (1) The final plat shall conform to the approved preliminary plat and address any required revisions or corrections.
- (2) The final plat shall also include:
 - (1) All revision dates.
 - (2) Notation of any building restriction lines or other restrictions proposed for the subdivision that are more restrictive than the requirements of this chapter.
 - (3) Spaces for endorsement of the County Health Officer, County Engineer, and Planning Director or Planning Commission as applicable.
 - (4) For new lots or parcels, “Right to farm” covenants placed in property deeds and noted on the plat.
 - (5) All monuments erected, corners, and other points established in the field in their proper places. The material of which monuments, corners, or other points are made shall be noted at the representation thereof or by legend.
 - (6) Signature and seal of the registered surveyor or other professional person qualified by law and licensed in the State of Maryland to seal and sign such plans.
 - (7) A statement that the applicant is the owner of the subdivision shown on the final plat and that it is made with his or their consent and that it is desired to record the same. The statement must be signed by all owners and notarized. If the owner of the land is a corporation,

partnership or group, the name and title or positions of persons signing the plat shall appear.

- (3) The following additional plans and documents shall be submitted:
 - (1) A title search prepared by a qualified professional, as determined by the Planning Director, for all major subdivisions, and for minor subdivisions as required by the Planning Director based on review of the deeds for the property.
 - (2) If the title search indicates that any of the land being subdivided is subject to historic, conservation or similar easements: copies of the easements and the boundaries of the land subject to the easements.
 - (3) Evidence of approval of construction plans for all proposed subdivision improvements including, but not limited to, roads, stormwater management, and sediment and erosion control.
 - (4) Finalized, ready for approval, public works agreements or developer agreements.
 - (5) Final copy of any private covenants for the subdivision.
 - (6) Finalized, ready for approval, reservation of development rights agreements.
 - (7) Evidence of special exception approval for riparian subdivisions to be served by a community pier.
 - (8) Evidence of approval for any permits or plans required by other county, state or federal regulations, if applicable.
 - (9) Written assurance that every person identified in the deeds and title search as having an interest in the property has been notified of the proposed subdivision.

C. TAC Review

- (1) Final plats shall be reviewed at a TAC meeting in accordance with §190-190, unless the Planning Director authorizes the final plat to go directly to the CRM stage.
- (2) Within 10 days following the TAC Meeting, the Planning Director shall transmit to the applicant the comments of the reviewing agencies and either a Notice to Proceed or a Notice of Noncompliance.
- (3) If the Planning Director issues a Notice of Noncompliance:
 - (1) The applicant may submit an amended final plat within nine months from the date of the notice.
 - (2) The amended plat shall repeat the review process of the initial final plat submission.
 - (3) If an amended final plat is not submitted within nine months, a new sketch plan application is required.

D. Decision by Planning Director for minor subdivision final plats

Upon issuance by the Planning Director of a Notice to Proceed for a minor subdivision final plat, the Planning Office shall schedule the plat for review at the next available CRM.

E. Decision by the Planning Commission for major subdivision final plats

- (1) Planning Commission approval of the final plat for a major subdivision is required as provided in §190-190.E, unless the Planning Commission approved the final plat in its approval of the preliminary plat.
- (2) Upon issuance of a Notice to Proceed following the TAC meeting, the Planning Office shall schedule the final plat for the next available Planning Commission meeting.
- (3) If the Planning Commission approves the final plat or approves it subject to conditions, the Planning Director shall schedule the plat for review at the next available TAC meeting or CRM. The Planning Director shall determine whether a TAC meeting or CRM is appropriate based on the extent of amendments needed to the plat.
- (4) If the Planning Commission does not approve the final plat:
 - (1) The Planning Director shall issue a written Notice of Noncompliance to the applicant giving the reasons that the Planning Commission did not approve the plan.
 - (2) The applicant may submit an amended final plat addressing the deficiencies within twelve months of the Notice of Noncompliance.
 - (3) The amended plat shall complete the steps required for the initial final plat submission.
 - (4) If an amended final plat is not submitted within twelve months, a new sketch plan application is required.

F. Final plat CRM stage

- (1) Staff at the CRM shall review the plat to ensure that it is complete, correct, and addresses all comments and conditions.
- (2) If necessary, the Planning Director shall provide written notice to the applicant of corrections required by the CRM agencies.
- (3) Upon the concurrence of the agencies reviewing the plat at the CRM, the Planning Director shall proceed to the signature stage as specified below.

G. Signatures and Recording

- (1) Following the CRM, if the final plat is correct and complete, the Planning Director shall notify the applicant in writing that the final plat may be submitted for signature.
- (2) No amendments or modifications shall be made to an approved final plat without written authorization of the Planning Director.

- (3) The applicant shall submit the required copies of the final plat for signature approval.
- (4) The Planning Director shall facilitate obtaining the signatures of agency representatives on the final plat.
- (5) Prior to signature by the Planning Director, the applicant shall provide the recording reference for covenants, easements and other recorded agreements.
- (6) The Planning Director shall return copies of the signed final plat to the applicant for recordation.
- (7) The applicant shall record the approved final plat with the Clerk of the Court for Talbot County and return a copy of the recordation receipt to the Planning Director within seven days of signature of the final plat.

§ 190-196. Revision plats.

A. Purpose

Revision plats may be used to accomplish the following, provided no additional lots are created:

- (1) Revisions to a recorded subdivision plat, including but not limited to revisions to modify or abandon a lot line or relocate an easement area.
- (2) Recordation of a plat to alter or eliminate boundaries between parcels that were legally created by deed.
- (3) Recordation of a plat for an existing parcel that was legally created by deed.

B. Determination of major and minor revision plats

The Planning Director shall determine whether a proposed revision plat is major or minor based on the following guidelines.

- (1) Major revisions may include, but are not limited to:
 - (1) Relocation or modification of a public or private road right-of-way;
 - (2) Adjustment of acreage for common space, open space, reserved lands, or land subject to a reservation of development rights;
 - (3) Relocation within a parcel of common space, open space, reserved lands or land subject to reservation of development rights; or,
 - (4) Revision or abandonment of lot lines which significantly affect the layout of the subdivision.
- (2) Minor revisions may include, but are not limited to:
 - (1) Correction of minor plat or surveying errors;
 - (2) Minor changes to plat notations;
 - (3) Revision or abandonment of lot lines which do not significantly affect the layout of the subdivision;

- (4) Recordation of a plat for an existing parcel created by deed, provided the plat does not alter the property lines; or,
- (5) Recordation of a plat to establish a parcel as a buildable lot.

C. Nonconforming situations

A revision plat shall not result in creation of a nonconforming situation or the worsening of an existing, legal nonconforming situation.

D. Submission requirements

The application and plat shall include all material required by the application form and checklist published by the Planning Office.

E. Procedure for major revision plats

An application for a major revision plat shall be submitted and reviewed using the procedures for a new major subdivision. Decisions shall be made by the Planning Commission.

F. Procedure for minor revision plats

- (1) A minor revision plat shall be submitted and reviewed using the procedures for a minor subdivision. Decisions shall be made by the Planning Director.
- (2) The Planning Director may seek the recommendation of the Planning Commission on a minor revision plat.

G. Expiration

The provisions for expiration of approved subdivision plans and extensions of the approval period, provided in §190-190, are applicable to revision plats.

§ 190-197. Division of land for conservation or future development purposes.

A. Circumstances under which division is permitted

A parcel may be created for non-developmental purposes for one of the following purposes:

- (1) Parcels created for transfer and use of land exclusively for agricultural purposes, for a minimum of ten years, provided that the parcels created are at least five acres in size, a development right is available for each parcel under the density requirements of the applicable zoning district, and the remaining parcel(s) comply with all current County zoning and subdivision regulations.
 - (1) For purposes of this subsection, the foregoing time period shall be referred to as the “Restriction Period.” During the Restriction Period the County may review subdivision and development applications, but shall not grant final approval of such parcels for developmental purposes:

- (a) Until the Restriction Period expires, except in accordance with Subsection (1)(c) and (d) below, as applicable and
 - (b) Unless the application meets applicable County and state development regulations, including the density requirements of this Chapter.
- (2) For parcels subdivided pursuant to this provision prior to the effective date of this amendment, the Restriction Period shall remain five years from the date the plat creating such parcels was recorded.
 - (3) An agricultural parcel subdivided pursuant to A(1) for non-developmental purposes prior to the effective date of this amendment may not be released from the agricultural use restriction during the first two years of the Restriction Period, but shall be released from the agricultural use restriction prior to expiration of the Restriction Period upon payment of a Conservation Fee to the County for each parcel to be released in accordance with a fee schedule adopted by the County Council.
 - (4) An agricultural parcel subdivided pursuant to Subsection A(1) for non-developmental purposes after the effective date of this amendment may not be released from the agricultural use restriction during the first three years of the Restriction Period, but shall be released from the agricultural use restriction prior to expiration of the Restriction Period upon payment of a Conservation Fee to the County for each parcel to be released in accordance with a fee schedule adopted by the County Council.
 - (5) Upon payment of the Conservation Fee, the County shall, subject to satisfaction of all other applicable requirements, approve such released parcels for development purposes.
- (2) Parcels created for transfer and use of wetlands, floodplains and woodlands exclusively for perpetual conservation purposes, provided that the remaining parcel(s) comply with all current County zoning and subdivision regulations.
 - (3) Parcels created for transfer and use of lands for purposes of settling an estate, provided that such subdivision will not result in development of the parcel for at least ten years from the date of subdivision approval and provided that the remaining parcel(s) shall comply with all current County zoning and subdivision regulations. After 10 years, such parcels shall not be approved for developmental purposes until all applicable County and state development regulations have been met, including the density requirements of this Chapter.

B. Plat requirements for parcels created for conservation or future development

The final plat for a parcel created pursuant to this section shall:

- (1) Contain notations conditioning their approval as a non-developmental parcel;
- (2) Include a reserved land agreement or reservation of development rights agreement which stipulates the non-developmental nature of the affected parcels; and

- (3) Be in a form approved by the Planning Director.

§ 190-198. *Reserved land agreements and reservation of development rights agreements*

- A. A reserved land agreement is required for the reserved land of a rural cluster subdivision, for land preserved pursuant to Critical Area land conservation requirements, and for any parcel or portion thereof created for perpetual conservation purposes. A reserved land agreement shall be permanent.
- B. A reservation of development rights agreement shall be required for a subdivision which creates parcels for non-developmental purposes as provided in §190-197.A(1) and (3) above.
- C. A reservation of development rights agreement recorded prior to the effective date of this ordinance is subject to the requirement in effect at the time of recordation.
- D. A reserved land agreement or reservation of development rights agreement shall:
 - (1) Restrict future development of any residential, commercial or industrial structures and uses, except as permitted by the provisions of this Chapter applicable to the subdivision;
 - (2) Be granted to, inure to the benefit of, and be enforceable by the County; run with and bind the land, the grantor, and the grantor's successors; and,
 - (3) Be recorded among the Land Records at the expense of the applicant before issuance of any permit or plat approval.
- E. A reserved land agreement or reservation of development rights agreement shall not:
 - (1) Restrict agricultural or agriculturally-related commercial or industrial uses or structures, unless the agreement is for conservation of wetlands, floodplains or woodlands; or,
 - (2) Restrict future use of the property for public purposes.
- F. An electronic copy of the metes and bounds description of the restricted land shall accompany the final plat submission to the Planning Office.
- G. Release
A grantor or his successors may petition the County Council for partial or complete release of a reserved land agreement or reservation of development rights agreement if the parcel's zoning classification changes.
- H. Relocation
The boundaries of lands subject to the agreement shall be delineated on the final plat. A Major Revision Plat shall be submitted for the relocation or adjustment of reserved land

acreage. The relocation shall be of an equal area and shall be within the boundaries of the original parcel.

§ 190-199. Maintenance and completion of public and private improvements

Before the Planning Director approves a final plat, required public or private improvements shall be completed or guaranteed through one or more of the following methods:

- A. Completion of required improvements by the developer in accordance with approved plans, with plan review, inspections and approval by the County Engineer or Planning Director; or,
- B. A public works agreement as required by the County; or,
- C. For improvements not covered by a public works agreement, a developer agreement wherein the applicant shall agree to construct at his own expense the required improvements, including installation of plantings, as shown on the final plat and approved plans and drawings.

§ 190-200. Common space and private subdivision improvements

- A. Common space shall be located and configured to accomplish its intended purpose and to allow access for maintenance purposes. Common space intended for recreational use shall provide convenient access.
- B. Ownership of common space or subdivision improvements

The ownership of land dedicated for common space or subdivision improvements may be proposed by the owner or developer, subject to the approval of the Planning Director. Ownership may include, but is not necessarily limited to the following:

- (1) The County, subject to acceptance by the County Council;
 - (2) Other public jurisdictions or agencies, subject to their acceptance;
 - (3) Quasi-public organizations, subject to their acceptance;
 - (4) An incorporated property owners' association approved by the State Department of Assessments and Taxation ; or
 - (5) Shared, undivided interest by all property owners in the subdivision
- C. Concurrent with recording of the final plat, common space lots shall be conveyed by the developer to the County, a property owners' association or other entity approved to own the common space, as defined in covenants approved by the Planning Director.
 - D. Property owners' or homeowners' association

If the common space or subdivision improvements are owned by a property owners', homeowners' or condominium association:

- (1) Proposed covenants and restrictions that will govern the association shall be submitted with the preliminary plat application for review and approval by the Planning Director.

- (2) The provisions may include but are not necessarily limited to the following:
 - (1) The property owners' association must be established before any lots or homes are sold;
 - (2) Membership must be mandatory for each lot or home buyer and any successive buyer;
 - (3) Community open space restrictions must be permanent, not just for a period of years;
 - (4) The association must be responsible for liability insurance, taxes, and the maintenance of open space and subdivision improvements;
 - (5) Property owners must pay their pro rata share of the cost, and the assessment levied by the association must become a lien on the property as allowed in the master deed establishing the property owners' association; and,
 - (6) The association must be able to adjust the assessment to meet changed needs.
- (3) The date of acceptance and approval of the articles of incorporation of the property owners' association by the State Department of Assessments and Taxation shall be noted on the final plat.

E. Maintenance of common space and improvements

The person or entity identified as having the right of ownership or control over common space or subdivision improvements shall be responsible for continuing upkeep and proper maintenance in accordance with county, state and federal regulations.

F. Maintenance of private road improvements

The ownership and maintenance of private roads shall be identified on final plats. Maintenance agreements in accordance with Chapter 134, Roads and Bridges, shall be recorded with all final plats that establish or extend a private road.

§ 190-201. Survey markers

- A. The surveyor shall establish survey markers that are solid, free from movement and constructed to be permanent. Survey marker materials and installation shall be as approved by the Planning Director or County Engineer, in compliance with Maryland regulations and consistent with customary surveying practices in Maryland.
- B. Survey markers shall be located on street right-of-way lines, at street intersections, and at angle points of curve and block corners. They shall be spaced so as to be within sight of each other, the sight lines being contained wholly within the right-of-way limits.
- C. The external boundaries of a subdivision shall be monumented in the field by survey markers placed not more than 1,400 feet apart in any straight line, at all corners, at each end of all curves, at the point where a curve changes radius, at all angle points along the meander line, those points to be not less than 20 feet back from the bank of

any river or stream or edge of wetland, except that when such corners or points fall within an existing street, the survey markers shall be placed in the side line of the right-of-way.

- D. All internal boundaries, points along a proposed street, and those corners and points not referred to in the preceding subsection shall have survey markers at all block corners, at each end of all curves, at all points where a watercourse changes its radius, and at all angle points in any line.
- E. The lines of lots that extend to watercourses shall have survey markers at the point of intersection of the river or stream lot line, with a meander line established not less than 20 feet back from the bank of the river or stream or edge of wetland.
- F. All survey markers shall be properly set in the ground and approved by a registered land or property line surveyor prior to the time the Planning Director signs the final plat.

§ 190-202. Conformance to applicable rules and regulations

In addition to the requirements established in this chapter, subdivision plans shall comply with all applicable local, state and federal plans and regulations, including the following:

- A. Roads and Bridges (Chapter 134), Floodplain Management (Chapter 70), Stormwater Management (Chapter 164), Building Construction (Chapter 28), and other applicable laws of the County.
- B. The County Comprehensive Plan, Comprehensive Water and Sewer Plan, and Capital program as adopted.
- C. State and federal regulations relating to the development of land.
- D. Plat approval may be withheld if a subdivision is not in conformity with the above plans and regulations or this Chapter.

§ 190-203. Subdivision straddling jurisdictional boundaries

If access to a subdivision is across land in another jurisdiction, the Planning Director may request assurance from the other jurisdiction that access is legally established, that the access road is adequately improved, or that a guarantee and a security has been duly executed and is sufficient in amount to assure the construction of the access road. In general, lot lines should be laid out so as not to cross jurisdictional boundary lines.

§ 190-204. Subdivision name

The proposed name of the subdivision shall not duplicate, or too closely approximate phonetically, the name of any other subdivision in the County. The Planning Director shall have final authority to approve the name of the subdivision.