

1 **ARTICLE 3. SUBDIVISION STANDARDS AND APPROVALS**

2 **CHAPTER 30 GENERAL SUBDIVISION PLATTING**

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21 **30.1. Purpose.**

22 The purpose of this Chapter is to:

- 23 1. Ensure the orderly subdivision and development of land.
- 24 2. Establish procedures and standards for subdivisions in order to further the orderly layout  
25 and use of land, and to ensure proper legal descriptions and monumenting of subdivided  
26 land.
- 27 3. Provide for the coordination of streets and other roadways and the installation of public  
28 utilities and other public facilities
- 29 4. Provide for the dedication or reservation of rights-of-way or easements for improvements  
30 within proposed subdivisions.
- 31 5. Provide for adequate light, air, and privacy, to secure safety from fire, flood, and other  
32 danger, and to prevent overcrowding of the land and undue congestion of population.
- 33 6. Guide the future growth and development in accordance with the Comprehensive Plan.

34 **30.2. Permits and Approvals Required.**

- 35 1. ***Subdivision Plat Required.*** No person shall subdivide land for the purpose of creating a  
36 building site without preparing and recording a final subdivision plat in full compliance  
37 with the provisions of this Article and all other State and local laws and regulations  
38 applying to subdivisions. The owner who desires to subdivide land for the purpose of  
39 creating one or more building sites shall be required to submit a plat of subdivision to the  
40 Department of Land Use and Growth Management, which is responsible for coordinating

1 the processing of such plats. The subdivision plat must be prepared in accordance with  
2 the requirements of this Chapter.

3 a. Divisions of land exempt from subdivision plat requirements may be established  
4 by deed, provided the deed is approved by the Planning Director prior to the  
5 recordation of the deed.

6 b. If a parcel created through agricultural division, or any part thereof, is developed  
7 for nonagricultural use, a subdivision plat must be recorded prior to issuance of  
8 building permit.

9 2. ***Sale or Transfer of Lots.*** Until a final subdivision plat is approved and recorded in  
10 accordance with this Ordinance, no land within the unincorporated area of St. Mary's  
11 County shall be subdivided, nor shall any lot be sold or transferred or any building  
12 erected.

13 3. ***Permits and Certificate of Occupancy.*** No permits for grading, or for construction of  
14 buildings, roads, or storm water management and no Certificate of Occupancy shall be  
15 issued for any development within a subdivision until the final plat has been recorded and  
16 fees and bonds required by this Ordinance are paid.

17 4. ***Appeals.*** Any person or persons aggrieved by any action of the Planning Director or  
18 Planning Commission pursuant to this Article may appeal within 30 days of the action to  
19 the Board of Appeals.

20 5. ***Voiding of Plats.***

21 a. Any plat or any part of a plat may be vacated by the owner, at any time before the  
22 sale of any lot therein, or by all the owners, by a written instrument, in recordable  
23 form declaring that plat to be null and void.

24 b. The instrument shall be approved by the Planning Commission in like manner as  
25 plats of subdivisions. The Planning Commission may reject any instrument that  
26 abridges or destroys the public rights in any public uses, improvements, streets or  
27 alleys within the subdivision.

28 c. The instrument, once recorded, shall render the subdivision a nullity and divest  
29 all public rights in the streets, alleys and public grounds, and all dedications laid  
30 out or described on the plat.

31 **30.3. Types of Subdivisions and Plats.**

32 1. ***Residential Subdivisions.*** Residential subdivisions shall be classified as one of the  
33 following:

34 a. ***Minor Subdivision.*** A Minor Subdivision is the division of a parcel or lot of  
35 record which creates one (1) to seven (7) lots.

36 b. ***Major Subdivision.*** A Major Subdivision is any subdivision that involves a  
37 division of a parcel of record into more than seven (7) lots.

38 c. ***Farmstead Subdivision.*** Subdivision of any number of lots, each of which is at  
39 least fifteen (15) acres in size.

40 2. ***Nonresidential Subdivisions.*** Commercial and Industrial subdivisions shall be subject to  
41 all the requirements of site plan approval set forth in the Comprehensive Zoning  
42 Ordinance. Nonresidential subdivisions shall require a public or private right-of-way for  
43 access to lots, and an approved entrance at public roads, and are subject to the public road

- 1 standards or other road design/construction standards. Site plan approval and subdivision  
2 plat approval may proceed simultaneously at the discretion of the Planning Commission.
- 3 3. **Condominium Plat.** A plat which describes the horizontal and vertical boundaries of a  
4 condominium regime as required by Article 11-101 of the Real Property title of COMAR.
- 5 4. **Boundary Line Adjustment.** A plat which has the effect of adjusting property boundaries  
6 of parcels or lots of record.
- 7 5. **Confirmatory Plat.** A plat which makes minor corrections to a previously recorded plat  
8 that does not involve adjustment of any boundary lines or create new lots.
- 9 6. **Plat Exempt Division.**
- 10 a. An exempt division, created without making provisions for roads, water supply  
11 or sewage disposal or other public improvements, is permitted under the  
12 following circumstances:
- 13 (1) To settle estate or other court ordered partitions.
- 14 (2) To add land to an existing agricultural parcel.
- 15 (3) To transfer land for purposes other than development.
- 16 (4) To transfer land to an immediate family member for development in the  
17 future.
- 18 (5) For road right of way dedication or acquisition.
- 19 b. Plat Exempt Divisions may be established by deed, provided the deed is  
20 approved by the Department of Land Use and Growth Management prior to  
21 transfer and recordation.
- 22 c. In all cases (1) through (4) above, or when a Plat Exempt Division parcel is  
23 proposed to be converted to a building lot, a standard subdivision plat must be  
24 recorded prior to issuance of a building permit.
- 25 7. **Subdivision Around Lawfully Existing Single-family Dwellings.**
- 26 a. A parcel containing more than one lawfully existing dwelling may be divided into not  
27 more than seven ( 7 ) residential lots of record each of which contains one such lawfully  
28 existing dwelling.
- 29 b. Subdivision standards and adequate public facility requirements are not applicable to a  
30 minor subdivision around lawfully existing dwellings approved pursuant to Section  
31 30.3.7; provided however, that any existing nonconformity of such lots shall not be  
32 increased.
- 33 **30.4. Authority.**
- 34 1. **Residential and Non Residential, Boundary Line and Plat Exempt Subdivision.** The  
35 Planning Commission is vested with the authority to review, approve, conditionally  
36 approve and disapprove plats for subdivisions of land.
- 37 2. **Delegation.** The Planning Commission may delegate authority to the Planning Director  
38 to:
- 39 a. Approve minor subdivision plats (including farmsteads), boundary line  
40 adjustment plats, Condominium plats, Confirmatory plats, and plat exempt  
41 divisions; and

12/31/13

- 1           b.     Approve final plats for major subdivisions and nonresidential subdivisions  
2           (provided that Planning Commission approval of the final plat was not a  
3           condition of approval for the Preliminary Plan); and
- 4           c.     Review and approve minor amendments and adjustments to approved plats, in  
5           accordance with the criteria established in this Chapter.

6   **30.5. Preliminary Plan.**

- 7   1.    **Purpose.** A Preliminary Plan is a formal submission of a plan for the proposed  
8   subdivision. Approval of a Preliminary Plan shall constitute Planning Commission or  
9   Planning Director acceptance of the land use mix, development intensity, general street  
10   drainage and lot patterns, general location of parks and open space lands, and the general  
11   layout of pedestrian and bicycle trails, except that these may be modified in conjunction  
12   with subsequent approvals if additional information reveals development constraints that  
13   are not evident during Preliminary Plan review.
- 14   2.    **When a Preliminary Plan Is Required.** Approval of a Preliminary Plan shall be required  
15   for any subdivision. No final plat shall be approved until a Preliminary Plan for the  
16   property has been approved.
- 17   3.    **Preliminary Plan Approval.**
- 18       a.     If the Preliminary Plan is approved by the Planning Commission, the applicant  
19       shall be advised in writing of such action. Approval of the Preliminary Plan shall  
20       not constitute approval of the Final Plat. The Preliminary Plan and conditions of  
21       its approval shall serve as a guide in the preparation of the final subdivision plat.  
22       For minor subdivisions, approval from all TEC agencies shall constitute  
23       Preliminary Plan approval.
- 24       b.     Approval of the Preliminary Plan shall be valid for a period not to exceed 2  
25       years.
- 26   4.    **Criteria for approval of a Preliminary Plan.** In approving a Preliminary Plan, the  
27   Planning Commission shall make each of the following findings:
- 28       a.     The proposed development, including lot sizes, density, access and circulation, is  
29       consistent with the Comprehensive Plan and applicable zoning standards and is  
30       compatible with the existing and/or permissible future use of adjacent property.
- 31       b.     Sufficient number of access points for ingress and egress are provided.  
32       Generally, two access points are required, with no less than one access point for  
33       each 75 lots or fraction thereof and reservation of land or dedication of rights-of-  
34       way to allow interconnection of subdivision streets to adjacent parcels,  
35       subdivisions and for connection to planned roads.
- 36       c.     Public facilities are adequate in accordance with the provisions of Chapter 70 of  
37       the St. Mary's County Comprehensive Zoning Ordinance, Adequate Public  
38       Facilities.
- 39       d.     Is consistent with the Annual Growth Policy, including approval of a phasing  
40       plan if required by said Annual Growth Policy.
- 41       e.     Access to adjoining land is provided for in the proposed plan and will allow  
42       development of those adjoining lands in accordance with this Ordinance. Street  
43       system adequacy shall be based on the street system's ability to safely  
44       accommodate trips from existing and planned land uses on the existing and  
45       proposed street system.

- 1 f. The drainage, erosion control, and construction proposed comply with accepted  
2 engineering and construction practices and the requirements of this Ordinance.
- 3 g. The lot, block, and street layout are consistent with the subdivision design  
4 standards of this and the Comprehensive Zoning Ordinance.
- 5 h. Adequate developed recreational and other community amenities are provided in  
6 accordance with the Comprehensive Plan, Comprehensive Zoning Ordinance,  
7 and this Subdivision Ordinance.
- 8 5. **Conditions on Approvals.** In approving a Preliminary Plan, the Planning Commission  
9 may impose modifications or conditions to the extent necessary to insure compliance  
10 with the standards of this Ordinance, the Comprehensive Zoning Ordinance and  
11 Comprehensive Plan.
- 12 **30.6. Preliminary Plan Application Procedures.**
- 13 1. **Submission Procedures.** An application for approval of a Preliminary Plan shall be  
14 submitted to the Department of Land Use and Growth Management on or before the due  
15 date for submissions to the Technical Evaluation Committee (TEC). The application form  
16 approved by the Planning Director shall establish the appropriate number of plats to be  
17 submitted and other submission requirements.
- 18 2. **Prerequisites.** In addition to any submission requirements specified on the application  
19 form, an application for a Preliminary Plan must be accompanied by the following:
- 20 a. Zoning permit application.
- 21 b. An approved Forest Stand Delineation or an approved waiver from the Forest  
22 Conservation provisions in the Comprehensive Zoning Ordinance.
- 23 c. A certificate of title.
- 24 d. A phasing plan, if proposed by the applicant or if required by the County's  
25 Annual Growth Policy.
- 26 3. **Completeness Review.** The Planning Director shall check the submittal for completeness.  
27 If, in the opinion of the Planning Director, an application is incomplete, the applicant  
28 shall be notified and shall have three (3) business days to make the application complete  
29 or withdraw the plan. If the applicant does not respond within three (3) business days, the  
30 application will be rejected. Complete applications will be referred to the TEC for review  
31 and comments.
- 32 4. **Preliminary Plan Requirements.** Preliminary plans shall be at a scale of 1 inch to 100  
33 feet, except that a scale of 1 inch to 200 feet may be used if the plan involves property  
34 over 100 acres in size. At least one copy shall be at a scale of 1 inch to 600 feet to  
35 facilitate uniform addressing. The preferred paper size is 24" x 36", with the maximum  
36 sheet size of 36" x 48". The plan shall include an Owner's and Surveyor's Certificate, be  
37 signed and sealed, and include approval/signature blocks for Land Use and Growth  
38 Management, Health Department, Metropolitan Commission (if public water and sewer),  
39 and Public Works (if plan contains public roads). The plan and accompanying documents  
40 shall be in accordance with the appropriate subdivision checklist, and as a minimum  
41 show the following information for the site and for 200 feet around the perimeter of the  
42 site.
- 43 a. Title Block
- 44 (1) Date of Original.

- 1                   (2)     Election District.
- 2                   (3)     Name, address and telephone number of Surveyor or Engineer.
- 3                   (4)     Subdivision name, including type of subdivision.
- 4                   (5)     Drawn by, checked by initials.
- 5                   (6)     Sheet number of sheet number
- 6           b.     Vicinity Map
- 7                   (1)     Scale of at least 1" to 2,000' or as appropriate to show the entire site and
- 8                                 surrounding road network including at least two intersections.
- 9                   (2)     North Arrow.
- 10                  (3)     Critical Area Boundary (if applicable).
- 11                  (4)     Zoning Boundary (if applicable).
- 12           c.     General Notes
- 13                  (1)     Tax Map, Grid, and Parcel.
- 14                  (2)     Site Area in acres (square feet if less than 1 acre).
- 15                  (3)     Zoning and Overlay Zone.
- 16                  (4)     Setbacks stating setbacks are drawn from sensitive areas.
- 17                  (5)     Minimum Ownership Statement.
- 18                  (6)     Health Department Note.
- 19                  (7)     Water and Sewer Category.
- 20                  (8)     Water and Sewer Provisions.
- 21                  (9)     Comprehensive Water and Sewerage Plan Compliance.
- 22                  (10)    10' Utility Easement along all lot lines.
- 23                  (11)    Prior Restrictions.
- 24                  (12)    Private Road maintenance note.
- 25                  (13)    Name and number of lots served by each private road.
- 26                  (14)    Premise address note.
- 27                  (15)    Specify Flood Hazard Zone and source.
- 28                  (16)    Existence or non-existence of non-tidal wetlands and source of data.
- 29                  (17)    Source of soil and topographic data.
- 30                  (18)    Existence of Critical Habitats, Cultural Features, or Historic Sites, stating
- 31                                 source.
- 32                  (19)    Stormwater Management.
- 33                  (20)    Mitigation measures to be used (Major Subdivisions in the RL and RPD
- 34                                 zones only).
- 35                  (21)    Forest Conservation Exemption (if applicable)
- 36                  (22)    TDR note (if applicable).



- 1 (a) Information shall be provided in sufficient detail in engineering  
2 study including on-site and off-site system adequacy as well as  
3 the method of water supply and capacity required.
- 4 i. All residential subdivisions of 25 lots or more must  
5 connect to a public water system. All non-residential  
6 subdivisions and development in the Development  
7 Districts must connect to a public water system if it is  
8 within 1,750 feet of an existing line of sufficient  
9 capacity. All development in Town Centers and Village  
10 Centers within 1,750 feet of an existing public water  
11 system with sufficient capacity must connect to the  
12 public water system.
- 13 (6) Information shall be provided in sufficient detail in an engineering study  
14 to determine method of sewage disposal proposed, including for  
15 community sewerage systems, on-site and off-site system adequacy as  
16 well as method of sewage treatment and capacity required. For areas that  
17 have been tested for percolation rates, show location of percolation tests  
18 and sewerage reserve areas.
- 19 (7) Erosion and Sediment Control Plan as required and in accordance with  
20 the Stormwater Management, Grading, Erosion and Sediment Control  
21 Ordinance.
- 22 (8) Preliminary drainage area map, a conceptual storm drain layout and  
23 method and approximate location of storm water quality and quantity  
24 treatment proposed, including preliminary storm water management  
25 calculations.
- 26 (9) Location and general description of proposed off-site improvements.
- 27 (10) A traffic study will be required if more than 50 peak hour trips are  
28 generated by the project, and must be submitted and approved prior to  
29 Planning Commission approval.
- 30 (11) Entrance location, minimum site distance available in each direction,  
31 acceleration and deceleration lane dimensions, by-pass lane dimensions,  
32 nearest driveways and/or street intersection locations, and monumental  
33 signage entrance features if proposed.

34 5. **Comments on Preliminary Plans.** Agency comments may be both general and specific in  
35 nature. Comments that are general in nature are intended to address compliance with the  
36 Comprehensive Plan and public health and safety issues. Agencies should point out  
37 existing problems in the vicinity of the proposed activity, such as historical drainage and  
38 flooding conditions, poor soils, erosion, planned roadway improvements, traffic flow,  
39 roadway classification, etc. Comments that are specific in nature should reference the  
40 specific sections of the Ordinance or other regulations that are being addressed. Agencies  
41 may also comment upon whether the plat meets their rules and regulations and meets the  
42 requirements for adequacy of public facilities (APF) as defined in the Comprehensive  
43 Zoning Ordinance. Each TEC agency shall supply comments on a form approved by the  
44 Planning Director, and returned to the Planning Director. The Planning Director will  
45 distribute comments from TEC agencies to the applicant following the set TEC Review  
46 cycle.



- 1 6. **Planning Commission Action.** A Preliminary Plan may be submitted to the Planning  
2 Commission for review and approval following receipt by the applicant of agency  
3 comments. The reviewing agencies must have indicated that the plan is acceptable or can  
4 be made acceptable with additional information or through specified modifications. The  
5 Planning Director shall prepare a staff report for distribution to the Planning  
6 Commission, the applicant, and the applicant's Surveyor or Engineer prior to the meeting,  
7 and will incorporate appropriate agency review comments into the report. The Planning  
8 Director shall present the plat to the Planning Commission. The applicant may also  
9 present the plat and answer questions from the Planning Commission. The Planning  
10 Commission shall approve the application, approve it with conditions or disapprove it.
- 11 7. **Preliminary Plan Approval.** Preliminary Plan approval shall not be granted until such  
12 time that the easement for any crossing of the land owned by the Board of County  
13 Commissioners known as the "Old Railroad Right-of-way" is approved by the Board of  
14 County Commissioners.

15 **30.7. Preliminary Plan Amendments.**

16 Amendments to Preliminary Plans may be initiated by the owner of property subject to the  
17 following provisions:

- 18 1. **Minor Amendments.** The Planning Director may approve minor amendments for:
- 19 a. Changes in the internal alignment of roads that do not affect external properties;
- 20 b. Changes in internal parcel boundaries that do not abut external property lines;
- 21 c. Changes in setbacks along internal property lines;
- 22 d. Changes in the routing of trails and pedestrian ways; or
- 23 e. Changes in the orientation of buildings on internal parcels.
- 24 2. **Major amendments.** The following are deemed major amendments and require Planning  
25 Commission approval:
- 26 a. Increased number of dwelling units or square feet of nonresidential building area;
- 27 b. Increased trip generation or demand for public utilities;
- 28 c. Decreased public or private open space area; or
- 29 d. Increased volume or velocity of storm water runoff from the development.

30 **30.8. Final Plat.**

- 31 1. **Final Plat Required.** There shall be a Final Plat for each subdivision that receives  
32 Preliminary Plan approval. No subdivision plat shall be recorded unless and until a Final  
33 Plat has been approved as provided in this Chapter. Plat Exempt Divisions are exempt  
34 from this requirement.
- 35 2. **Final Plat Approvals.** The final plat shall be approved, approved with conditions or  
36 disapproved by the Planning Commission or Planning Director, as the case may be, in  
37 accordance with the procedures established in Chapter 21 of this Ordinance. The decision  
38 shall be in the form of a written letter to the applicant.
- 39 3. **General Criteria for Final Plat Approval.** A Final Plat may be approved upon  
40 demonstration of compliance with the following criteria:

- 1 a. The proposed subdivision conforms to all relevant requirements of this  
2 Ordinance and any conditions of Planning Commission Preliminary Plan  
3 approval, if applicable.
- 4 b. The lot and block layout provides for safe and convenient vehicular, service and  
5 emergency access, efficient utility service connections, and adequate buildable  
6 area in each lot for planned uses.
- 7 c. Rights-of-way and easements of adequate size and dimension are provided for  
8 the purpose of constructing the street, utility, and drainage facilities needed to  
9 serve the development. This includes requests to the Board of County  
10 Commissioners for permission to cross the railroad right-of-way.
- 11 d. The proposed subdivision provides sufficient land necessary to satisfy the  
12 requirements of the open space standards for the zoning district where the  
13 subdivision is located.
- 14 e. The proposed land subdivision is designed in such a manner as to allow for  
15 continued development of adjacent, undeveloped lands.

16 **30.9. Final Plat Approval.**

17 1. ***Final Plat Preparation and Submittal Requirements.***

- 18 a. The Final Plat shall include the following documents at a minimum:
  - 19 (1) Evidence that the final plat has been prepared in accordance with the  
20 approved Preliminary Plan, and includes any modifications required by  
21 the Planning Commission.
  - 22 (2) Record Plat. The final plat shall be legible, drawn accurately and to scale,  
23 and shall be submitted for recordation using black ink on transparent  
24 mylar or linen, or other black line process on transparent mylar or linen  
25 comparable to original quality that will conform to archival standards.  
26 The size of the sheets shall be 18" by 24", including a margin of 1/2"  
27 outside ruled border lines. The minimum letter size shall be 1/10 inch.  
28 The final plat shall be prepared in accordance with the final plat  
29 checklists approved by the Planning Director.
  - 30 (3) Construction Plans. If required, construction plans for public facilities  
31 shall be submitted as part of the final plat. Construction plans shall  
32 conform to the design requirements of the review agencies as set forth in  
33 the checklists approved by each review agency.
  - 34 (4) Forest Conservation Plan. The Forest Conservation Plan and worksheet  
35 shall be prepared in accordance with the Comprehensive Zoning  
36 Ordinance.
  - 37 (5) Other agreements. All covenants, restrictions, TDRs, offsite easements,  
38 letters of permission, wetland permits and special conditions or other  
39 agreements necessary for the approval of the final plat.
  - 40 (6) Property Corners. A certification by a Registered Professional Land or  
41 Property Line Surveyor that reference monuments have been or will be  
42 set.
- 43 b. A final plat for a major subdivision shall be submitted directly to the appropriate  
44 review agencies for comment and approval. A final plat for a minor subdivision

- 1                    may be submitted directly to the appropriate review agencies after initial TEC  
2                    review is completed in accordance with Chapter 21.
- 3                    c.                Unless an extension is granted by the Planning Commission, a final plat must be  
4                    approved by the Planning Director no more than 2 years after approval of the  
5                    Preliminary Plan. The final plat must be recorded within 1 year from final  
6                    approval.
- 7                    d.                Except for minor subdivisions all final plats shall be submitted in printed (for  
8                    purposes of recording) and digital (for purposes of maintaining the County  
9                    computer mapping system) format. Plats of minor subdivisions need not be  
10                   submitted in digital format. Digital plats shall be submitted in .dwg, .dxf, or .dgn  
11                   format and shall comply with the following:
- 12                   (1)            The digital file should include only those layers and graphic elements  
13                   associated with the property lines. No other text or layer shall be  
14                   required.
- 15                   (2)            Measures shall use the US Survey Foot.
- 16                   (3)            Submitted drawings shall include at least 3 northing and easting (X, Y)  
17                   control points of the surveyed property(ies) or no more than 3 northing  
18                   and easting tick marks on the plan or plat surrounding the surveyed  
19                   property.
- 20                   (4)            The digital plat submission shall include a metadata text file containing  
21                   at a minimum:
- 22                   (a)            Preparer's contact information.
- 23                   (b)            Land Use and Growth Management control number.
- 24                   (c)            Dates of file creation and modification.
- 25                   (d)            Confirmation of the vertical and horizontal coordinate system  
26                   used.
- 27                   (5)            Digital files shall be submitted on standard transfer media, including CD-  
28                   ROM, DVD, or flash drive. A link to a remote server via file transfer  
29                   protocol (FTP) is also acceptable. Delivery by any other means must be  
30                   approved by County staff beforehand. The submitted media shall be  
31                   labeled with the title of the project (drawing file name), type of drawing  
32                   or submittal case file number, and the creation date of the file.
- 33                   (6)            The requirement for digital submission may be waived by the Planning  
34                   Director upon payment of a fee to cover the additional processing by  
35                   staff or upon satisfactory demonstration of hardship.
- 36                   2.            **Action on Final Plat.** Upon approval of the final plat by each review agency, that agency  
37                   shall submit evidence of final approval to the Planning Director, with a copy to the  
38                   applicant. Upon receipt of all approvals, the applicant shall submit to the Planning  
39                   Director the required number of reproducible and paper copies of the plat. The Planning  
40                   Director shall circulate the plat as may be required to the Metropolitan Commission, the  
41                   Health Department and the Department of Public Works & Transportation (DPWT) for  
42                   signatures, sign the plat and have the plat recorded.
- 43                   3.            **Approval, Not Acceptance.** Approval of the final plat shall not be deemed to be  
44                   acceptance of any street, alley, public space, utility or other physical improvements

1 shown on the Final Plat. Such improvements may be formally accepted by the County as  
2 evidenced by an appropriate deed of dedication in recordable form and delivered to the  
3 County and executed by the County for acceptance.

- 4 4. **Completion of Improvements.** Except as provided in this Ordinance, a condition of final  
5 plat approval shall include the execution of a Public Works Agreement to ensure  
6 completion of all street, sanitary, and other public improvements as stipulated on the final  
7 plat.

8 **30.10. Final Plat Amendments.**

9 Amendments to final plats may be initiated by the owner and will be evaluated pursuant to the  
10 procedures for final plat approval established in this Chapter.

11 **30.11. Condominium Plat**

- 12 1. **Purpose.** The purpose of a Condominium Plat is to describe the horizontal and vertical  
13 boundaries of a condominium regime as required by Article 11-101 of the Real Property  
14 title of COMAR.
- 15 2. **Submission Procedures.** Submission procedures for a Condominium Plat are the same as  
16 those for a preliminary plan except because a Condominium Plat is not subject to TEC  
17 review, submission can be made anytime during the month.
- 18 3. **Prerequisites.** In addition to any submission requirements specified on the application  
19 form, an application for a Condominium Plat approval must be accompanied by the  
20 following:
- 21 a. A certificate of title.
  - 22 b. An approved site plan.
  - 23 c. Declarations and Bylaws.
- 24 4. **Completeness Review.** Completeness review procedures are the same as those for  
25 Preliminary Plan submissions.
- 26 5. **Plat Requirements.** Condominium Plats shall be at a scale of 1" to 100'. The preferred  
27 paper size is 18" x 24", with the maximum sheet size of 24" x 36". The plan shall include  
28 an approval/signature blocks for the Department of Land Use and Growth Management.  
29 The plan and accompanying documents shall be in accordance with the Condominium  
30 Plat checklist. The Plat may consist of one or more sheets and shall contain the following:
- 31 a. The name of the condominium.
  - 32 b. A boundary survey of the property described in the declaration showing the  
33 location of all buildings on the property and the physical markings at the corners  
34 of the property.
  - 35 c. Diagrammatic floor plans of each building on the property which show the  
36 measured dimensions, floor area, and location of each unit in it. Common  
37 elements shall be shown diagrammatically to the extent feasible; and
  - 38 d. The elevation or average elevation in case of minor variances, above sea level, or  
39 from a fixed known point, of the upper and lower boundaries of each unit  
40 delineated on the Condominium Plat.
  - 41 e. Designation of Units – Each unit shall be designated on the plat by a letter or  
42 number, or a combination of them, or other appropriate designation.

- 1 f. **Surveyor's Certificate.** A condominium plat is sufficient if there is a certificate of  
2 a professional land surveyor or property line surveyor authorized to practice in  
3 the state that;
- 4 (1) The plat together with the applicable wording of the declaration, is a  
5 correct representation of the condominium described; and
- 6 (2) The identification and location of each unit and the common elements, as  
7 constructed, can be determined from them.
- 8 **30.12. Boundary Line Adjustment Plat (BLAP)**
- 9 1. **Purpose.** The purpose of a Boundary Line Adjustment Plat is to adjust property  
10 boundaries of lots of record.
- 11 2. **Submission Procedures.** Submission procedures for a BLAP are similar to those for a  
12 subdivision plan. A BLAP is not subject to TEC reviews, submission can be made  
13 anytime during the month.
- 14 3. **Prerequisites.** In addition to any submission requirements specified on the application  
15 form, an application for BLAP approval must be accompanied by the following:
- 16 a. A complete deed history providing evidence of parcel of record status of all  
17 involved properties. A non-parcel of record being completely absorbed into  
18 parcels of record is allowed.
- 19 b. A copy of recorded plats, if any, for properties involved.
- 20 4. **Plat Requirements.** Boundary Line Adjustment Plats shall be at a recommended scale of  
21 1" to 100'. The preferred paper size is 18" x 24", with the maximum sheet size of 24" x  
22 36". The plan shall include approval/signature blocks for the Department of Land Use  
23 and Growth Management, Health Department, Metropolitan Commission (if public water  
24 and sewer). The Plat may consist of one or more sheets and shall contain the following at  
25 a minimum:
- 26 a. Title Block and vicinity map requirements shall be the same as those for a  
27 Preliminary Plan as described above.
- 28 b. The following General Notes are required:
- 29 (1) Tax map, grid, and parcel numbers.
- 30 (2) Total acreage.
- 31 (3) Zoning and overlay zoning.
- 32 (4) A statement that "Recording this Boundary Line Adjustment Plat will  
33 expand existing deeded parcels of record by \_\_\_\_ square feet and will  
34 not result in additional building sites or increase in density or intensity  
35 beyond the current land use shown hereon."
- 36 (5) Critical Area Notes (if applicable)
- 37 c. **Plan Information.**
- 38 (1) North arrow and scale.
- 39 (2) Boundary lines with bearings and distances, corner markers and  
40 reference monuments. For the sake of clarity, the "Z" convention shall be  
41 used in order to illustrate the area being adjusted.

- 1 (3) Add "500" prefix to adjusted lot numbers, and "Adjusted Parcel"  
2 designation to parcels of record being adjusted.
- 3 (4) Location, zoning and names of adjacent subdivisions and of owners of  
4 adjacent property.
- 5 (5) Location, dimension and purpose of existing easements, including  
6 sewerage easement.
- 7 (6) Topographic information.
- 8 (7) If all or part of the site is in the critical area, the additional requirements  
9 for Critical Area Plans shall be provided.
- 10 (8) Entrance location, minimum site distance available in each direction,  
11 acceleration and deceleration lane dimensions, by-pass land dimensions.
- 12 (9) Address Oval.

### 13 30.13. Confirmatory Plat

- 14 1. **Purpose.** A Confirmatory Plat makes minor corrections to a previously recorded plat that  
15 does not involve adjustment of any boundary lines or create new lots.
- 16 2. **Submission Procedures.** Submission procedures for a Confirmatory Plat are the same as  
17 those for a preliminary plan except that because a Confirmatory Plan is not subject to  
18 TEC review, submission can be made anytime during the month.
- 19 3. **Prerequisites.** In addition to any submission requirements specified on the application  
20 form, an application for a Condominium Plat approval must be accompanied by the  
21 following:
  - 22 a. A certificate of title to show current ownership.
  - 23 b. A copy of the recorded plat being corrected.
- 24 4. **Completeness Review.** Completeness Review procedures are the same as those for a  
25 Preliminary Plan.
- 26 5. **Plat Requirements.** Confirmatory Plats shall be at the same scale as the original record  
27 plat. The plan shall include an approval/signature blocks for the Department of Land Use  
28 and Growth Management, and all agencies that signed the original plat. The plan and  
29 accompanying documents shall be in accordance with the Confirmatory Plat checklist.  
30 The Plat may consist of one or more sheets and shall contain the following:
  - 31 a. The plat shall be identical to the original plat, except for those elements being  
32 corrected.
  - 33 b. All original General Notes must be shown, along with an additional note  
34 describing the purpose of the Confirmatory Plat and description of elements  
35 being corrected.

### 36 30.14. Private Roads.

- 37 1. **Purpose.** The purpose of shared driveway and private road standards is to provide  
38 options to retain rural character, reduce costs, and to allow more control, security, and  
39 sense of identity when public roads are not needed for circulation. These standards are  
40 intended to provide for the safety of the property owners by requiring adequate access for  
41 fire, emergency, medical and law enforcement vehicles. It provides for the continued

1           uninterrupted use of the access for all of the owners by establishing a durable roadway  
2           and easement, and assigns responsibility for continued maintenance of the access.

3       2.       There shall be no private roads nor any private easement used for the purpose of primary  
4           access to any lot unless constructed and maintained in accordance with the following:

5           a.       Private roads may be provided for in accordance with the standards set forth in  
6                    Section 6 below. The plat and any deed conveying any lot or lots served by  
7                    private road or private easement must contain an acknowledgment by the owner  
8                    that the County shall have no liability for such roads and such acknowledgment  
9                    must also be included on the record plat and in the deed transferring the lot in  
10                  order to notify a purchaser of a lot in a subdivision on a private road. A Road  
11                  Maintenance Agreement meeting the requirements of the Department of Land  
12                  Use and Growth Management shall be recorded with the Final Subdivision Plat  
13                  for any private road in a subdivision.

12/18/12 14       3.       **Exemptions.** Private right-of-ways recorded before May 13, 2002 may serve up to seven  
15           (7) lots without complying with this section.

16       4.       **Family Conveyance Provisions:** The Planning Commission may approve an additional  
17           lot(s) on a private road for purposes of a family conveyance, providing the following  
18           requirements are met:

19           a.       The sale or transfer of such lot(s) shall be limited to the property owner(s) of  
20                    record on or before May 25, 2004.

21           b.       The lot to be conveyed shall only be conveyed to a family member, being father,  
22                    mother, son, daughter, grandfather, grandmother, grandson, or granddaughter of  
23                    the grantor.

24           c.       A family member shall not receive more than one lot.

25           d.       The property owner shall demonstrate that the private road is adequate to  
26                    accommodate the additional traffic generated by the lot(s). Private roads created  
27                    within a property being subdivided shall meet the private road standards of this  
28                    Ordinance.

29           e.       After approval of a family conveyance, and prior to the recordation of the plat,  
30                    the grantor of the family conveyance shall enter into an agreement with the  
31                    County that:

32                   (1)       contains the grantor's obligations under this section;

33                   (2)       is recorded in the land records of St. Mary's County;

34                   (3)       is noted on the subdivision plat; and

35                   (4)       prohibits the grantee from transferring the conveyed lot to a third party  
36                    for at least five years from the date of final approval of the family  
37                    conveyance, except in a case of severe hardship, as determined by the  
38                    Director of Land Use and Growth Management.

39           f.       Access on and use of the private road must be assured by the property owner.

40           g.       A grantee of a lot created by these provisions may not be a grantee in another  
41                    conveyance in the same subdivision or any other subdivision using these  
42                    provisions.

1 h. The provisions of this section shall not prohibit the conveyance of interest in a lot  
2 to a third party as security for a mortgage or deed of trust.

3 **5. General Provisions.**

4 a. For private roads, the design vehicle shall be an emergency  
5 response/service/delivery-type vehicle (30-foot single unit truck). For local  
6 streets, the design vehicle shall be a school bus. For higher classification and  
7 commercial streets, the design vehicle shall be a tractor trailer/ladder truck-type  
8 vehicle (WB-50).

9 b. Private roads shall be included in an overall development plan and shall be  
10 approved by the Planning Commission and/or Director of Land Use and Growth  
11 Management

12 c. Subdivisions consisting of seven (7) residential lots or less, or farmstead  
13 subdivisions, may be served by a private road. All subdivisions, except  
14 farmsteads and lots approved through the family conveyance provisions of this  
15 Ordinance, proposed with eight (8) lots, or more, shall be served by public roads  
16 in accordance with the provisions contained herein.

17 d. A Private Road Maintenance Agreement for private roads, access easements to  
18 farmstead lots, and shared driveways shall be recorded with the record plat.

19 e. Minimum safe stopping sight distance shall be assured with information provided  
20 by the design engineer.

21 f. In the event that the maximum allowable number of lots having access is  
22 exceeded, or is otherwise approved by a variance, all further divisions of land  
23 must front on a public road and are subject to the regulations and standards for  
24 public roads.

25 g. Private roads shall normally intersect with a public road; must have no other  
26 public or private streets dependent upon it for access; and must serve no traffic  
27 except that associated with the lots having direct driveway access to it.

28 h. There shall be no more than one driveway connection from any site or lot to any  
29 street, except where separate entrances and exit driveways may be necessary to  
30 safeguard against hazards and to avoid congestion. Additional driveways should  
31 also be considered for large tracts and uses of extensive scope, if traffic flow on  
32 adjacent roads will be facilitated by the additional connections.

33 i. Where topographic and other conditions are reasonably usable, provision should  
34 be made for circulation driveway connections to adjoining lots of similar existing  
35 or potential use when such driveway connections will facilitate fire protection  
36 services or when such driveway will enable the public to travel between two  
37 existing or potential uses, open to the public generally, without need to travel  
38 upon a public road.

39 j. Driveways into site should have proper grades and alignments, as well as  
40 transition grades and sight distances, for safe, convenient and efficient access and  
41 should meet the public road right-of-way and travel ways of the public road in a  
42 manner that conforms with the provisions of this Ordinance.

43 **6. Design Standards.** In addition to the private road standards shown above and in Table  
44 30.14.6, the following shall apply:



- 1 a. *Easements.* Shared driveways and private roads shall reserve easements  
2 immediately adjacent and parallel to the private right-of-way of at least ten feet  
3 (10') in width on both sides of the right-of-way. The easement shall be utilized  
4 by public utilities, including but not limited to the installation of electric, gas,  
5 telephone, water, sewer and cable television service, together with the right to  
6 trim interfering trees and brush, together with a perpetual right of ingress and  
7 egress for installation, maintenance and replacement of such lines.
- 8 b. *Road Names.* Approved private road name suffixes shall be Place, Path, Terrace,  
9 Circle, Lane, Loop, Alley and Way. Sign type and placement shall be in  
10 accordance with the Manual of Design and Construction Standards.
- 11 c. *Vertical Clearance.* A minimum unobstructed vertical clearance of fourteen feet  
12 (14') shall be provided.
- 13 d. *Turnouts.* There shall be areas where two vehicles can easily pass each other at  
14 least every 500-600 feet. Turnouts shall be provided every 1,000 feet to  
15 accommodate the turnaround movements of emergency and other service-type  
16 vehicles.
- 12/18/12 17 e. *Materials.* A maximum of seven (7) residential lots shall be served by a private  
18 road, except for farmstead lots, for which there is no maximum. Residential  
19 single lot and shared driveways serving up to seven (7) lots should be constructed  
20 using a minimum of a four inch thick layer of compacted aggregate base. A  
21 double surface treatment is recommended in light traffic situations to ensure a  
22 dust-less surface.
- 23 f. *Corner Clearance.* In general, for commercial and industrial developments, no  
24 internal access connection may be proposed within 40' of the intersection with  
25 the entrance and the adjacent collector road. Unless the applicant demonstrates  
26 practical difficulty, all proposed commercial and industrial developments greater  
27 than 100,000 square feet shall provide a minimum corner clearance of 250 feet  
28 from an arterial public roadway.
- 12/18/12 29 g. *Dimensions.* Private roads shall be constructed with two-foot wide unimproved  
30 shoulders. With-in a minimum 22' ROW the minimum horizontal radius for  
31 private roads serving up to seven (7) lots shall be 90 feet (90').
- 32 h. *Location.* Driveways for new corner lots shall be located at least 80 feet from an  
33 intersection of two (2) public roads.
- 34 i. *Paving.* For commercial and industrial developments, an all weather surface  
35 shall be designed and certified by the submitting engineer to ensure the pavement  
36 section is adequate to accommodate the site generated traffic, sub-grade  
37 conditions, vehicle loading, and design vehicle turning movements.
- 38 j. *Entrances and Access.*
- 39 (1) Entrances onto a public road shall be constructed in accordance with the  
40 Department of Public Works and Transportation Manual of Design and  
41 Construction Standards, as amended from time to time, and the  
42 provisions contained herein.
- 43 (2) Residential driveway access shall be limited to cul-de-sacs, local roads  
44 and minor collector roads. Multi-family and cluster subdivisions shall  
45 have direct access to a public road.

- 1 (3) Direct residential access to major collectors and arterials shall be  
2 permitted only when no feasible alternative exists. In such cases, a  
3 minimum separation between driveways and/or entrances of 150 feet,  
4 measured from centerline shall be maintained.
- 5 (4) Visibility of a driveway crossing a road right-of-way line shall not be  
6 impaired between a height of 2.5 feet and 7 feet for a depth of 5 feet  
7 from the street property line, as viewed from the edge of the right-of-way  
8 on either side of the driveway at a distance of 50 feet or at the nearest  
9 property line intersecting the street property line, whichever is less.
- 10 (5) Commercial and industrial entrances shall be constructed in accordance  
11 with State Highway Administration practices, standards established in  
12 this Ordinance and any applicable guidelines, Table 30.11.6, or plates  
13 approved by the Director of Public Works and Transportation.
- 14 (6) Construction entrances must be installed prior to any activity on the site.
- 15 (7) All entrances shall be designed with sufficient capacity to minimize  
16 queuing of entering vehicles on any road or street.
- 17 (8) Driveway entrances shall not be constructed in or partially in any  
18 intersection fillet and should be located so as to provide safe and efficient  
19 traffic operations. Where less than 30 feet of separation is provided  
20 between the centerlines of adjacent residential driveways, a shared  
21 entrance shall be provided.
- 22 (9) The minimum entrance width for joint-use driveways shall be 18 feet for  
23 the first twenty-five feet (25'). The remainder of the shared driveway  
24 shall be a minimum of sixteen feet (16') in width. The remainder of any  
25 driveway serving one dwelling unit may be decreased to ten feet (10') in  
26 width.
- 27 (10) A separate driveway entrance pipe schedule shall be required and shown  
28 on the design plans for all individual and shared driveways whose  
29 corresponding ditch flow exceeds five cubic feet per second (5cfs).
- 30 (11) Shared driveway entrances shall be bonded before plat recordation and  
31 installed by the applicant prior to Use and Occupancy Permit for any lots  
32 served by the entrance.
- 33 k. *Disclosure.* Disclosure shall be given to purchasers of lots served by private  
34 right-of-ways in accordance with the Subdivision Regulations indicating that lots  
35 served by private right-of-ways shall not be maintained by the County, nor shall  
36 said private right-of-ways be considered for acceptance into the County  
37 Highways Maintenance System until such is improved to the appropriate County  
38 Road Standards at the individual lot owner(s) expense. The record plat shall be  
39 required to contain similar language prior to approval.

12/18/12 1

**Table 30.14.6. Private Road Standards.**

Road Type	Design Speed	Minimum Travel Way Width (ft.)	Min. Horizontal Radius (ft.)	Additional Standards
Private Road	20 mph	18'	90'	Minimum ROW 22' Seven (7) lot maximum
Shared Driveways	none	18'	50'	Shall serve a maximum of three (3) residential lots
Commercial (One-way)	20 mph	11'	90'	Increase width to 15' for circulation and perimeter access
Commercial (Two-way)	20 mph	22'	90'	For ADT < 1500 vehicles, otherwise 30' width is required

2 **30.15. Subdivision Design Standards.**

3 Subdivision design shall be in accordance with the requirements of the Comprehensive Plan and  
4 Section 62 of the Comprehensive Zoning Ordinance. Lot and Right-of-way Requirements.

5 1. **Lot Design.**

6 a. *Lot Dimensions.* Lot size, width, shape and orientation shall be appropriate for  
7 the location and the type of development or use proposed for the subdivision,  
8 taking into account that standards of the districts where the subdivision is  
9 located, the recommendations of the TEC and any approved or adopted local,  
10 County, State or federal plan determined applicable by the Planning Commission.  
11 Irregularly shaped lots that in the opinion of the Planning Commission are  
12 created for the purpose of circumventing a regulation of this Ordinance are  
13 prohibited. Irregularly shaped lots, discontinuous tracts identified as one lot, or  
14 other configurations which provide in the opinion of the Planning Commission  
15 necessary land solely to meet the on-site sewage disposal or access requirements  
16 of this Ordinance, are also prohibited. These provisions do not apply to existing  
17 lots of record.

18 b. *Lot Frontage on Private Roads or Driveways.* Every residential lot shall abut on  
19 a street or road which has been dedicated to public use or which has acquired the  
20 status of a public road, except as permitted to be located on a private road, as set  
21 forth at Section 30.11.14, above.

22 c. Driveway and Intersection Separation/access shall be as provided in Section  
23 30.11.14, above.

24 (1) **Hardship exemption.** In cases where a hardship is demonstrated, the  
25 Planning Commission may modify the separation required, provided that  
26 any modification does not create an operational or safety hazard based on

- 1                                recommendations by the Director of the Department of Public Works &  
2                                Transportation.
- 3            d.        *Side Lines.* Side lines of interior lots shall be roughly perpendicular to the street  
4                                line, or radial to a curved street line, unless determined by the Planning  
5                                Commission that a variation from this rule will result in a more functional layout.
- 6            e.        *Double Frontage Lots.* Double frontage lots, meaning a block having only 1 tier  
7                                of lots between 2 streets or roads, should access the lower classification roadway  
8                                and shall not be approved except where unusual topography, orientation or the  
9                                size of the subdivision permit no other feasible way to subdivide.
- 10    2.        ***Right-of-way Design.***
- 11            a.        *General Provisions.* The general road design standards established in the St.  
12                                Mary's County Comprehensive Zoning Ordinance shall apply to rural and urban  
13                                roads and represent the minimum acceptable design standards.
- 14            b.        *Mapped Roads or Streets.* Subdivision plats shall include roads and streets  
15                                identified on the Comprehensive Plan, or its subsequently adopted amendments.  
16                                Where applicable, such plats shall include applicable recommendations of the  
17                                State Highway Administration related to state roads and access thereto.
- 18            c.        *Continuation of Roads.* The subdivision plat shall provide for continuation of any  
19                                existing roads or streets, whether constructed or recorded, in accordance with the  
20                                requirements of this Ordinance, unless otherwise determined by the Planning  
21                                Commission. No road, separated from a county maintained road or a road  
22                                maintained by any other public agency shall be improved or accepted by the  
23                                Board of County Commissioners unless suitable connecting road to the existing  
24                                road is improved to meet public road standards.
- 25            d.        *Interparcel Access.* Unless prohibited by environmental constraint streets shall  
26                                be extended to the property line to give opportunity for access to adjacent  
27                                parcels. Streets and rights of way shall be aligned and connection constructed to a  
28                                street or right of way that has been extended to the property line on an adjacent  
29                                parcel.
- 30            e.        *Secondary Residential Streets.* Secondary residential streets shall be planned to  
31                                discourage their use by non-local traffic.
- 32            f.        *Dedication of Right-of-Way.* Where public roadway improvements are officially  
33                                planned, the Department of Public Works and Transportation may require that  
34                                additional right-of-way shall be dedicated to the Board of County  
35                                Commissioners.
- 36            g.        The designation of street name suffixes shall be standardized in accordance with  
37                                the Road Naming Manual.
- 38    3.        ***Future Subdivision.*** A tract proposed for subdivision into large parcels with the  
39                                possibility or intention of future subdivision (rather than immediate development) shall  
40                                be divided so as to allow for future opening of streets and such further logical subdivision  
41                                as can be foreseen.
- 42    4.        ***Vacating Rights-of-way.*** The Department of Public Works and Transportation shall not  
43                                recommend vacating of any street dedicated to and accepted by the public if it will  
44                                adversely affect the proper functioning of the existing street system or a future street plan

1 prepared by, or approved by, the Planning Commission or Board of County  
2 Commissioners.

3 **30.16. Public Improvement and Infrastructure Requirements.**

4 1. Dedication and Construction of Roads, Sidewalks and Related Improvements.

5 a. Public Roads with appurtenant sidewalks, drainage, street trees, and other  
6 integral facilities in each new subdivision, must be constructed by the applicant  
7 in accordance with the standards and specifications in the St. Mary's County  
8 Road Ordinance.

9 b. The minimum length of a public road shall be two hundred and fifty (250) feet.

10 2. **Monuments.** The applicant shall place a minimum of two (2) permanent reference  
11 monuments in the subdivision. Monuments shall be located at 2 property corners, shall  
12 be shown on the record plat, shall be spaced as far apart as possible but be within sight of  
13 a single point.

14 a. Monuments shall be located on street right-of-way lines, at street intersections,  
15 angle points of curve or block corners. They shall be spaced as far apart as  
16 possible but that both are within sight of a single point, the sight lines being  
17 contained wholly within the street limits.

18 b. Such permanent reference monuments shall be stone or concrete at least 18  
19 inches in length and 4 inches square or have a 4-inch diameter with suitable  
20 center point and shall be set flush with the ground.

21 3. **Storm Drainage and Overlot Grading.** Applicant shall provide stormwater management,  
22 drainage and grading improvements according to the requirements of The St. Mary's  
23 County Stormwater Management, Grading, Erosion and Sediment Control Ordinance.

24 a. The storm water drainage system shall be separate and independent of any  
25 sanitary sewer system.

26 b. *Dedication of Drainage Easements.*

27 (1) Where a development is traversed by a natural drainage course or stream,  
28 there shall be provided a drainage easement, a minimum of 50 feet in  
29 width, conforming substantially with the line of such watercourse for the  
30 purpose of maintaining, improving, or protecting such drainage facilities.  
31 This easement area shall be designed to the 100-year flood plain level.

32 (2) Required storm drainage easements and surface drainage easements  
33 should be identified and recorded as a part of the record plat.  
34 Maintenance responsibilities for surface drainage easements shall be  
35 identified as the landowner or respective home owners association where  
36 applicable.

37 (3) The applicant shall dedicate, either in fee or by drainage easement of  
38 land on both sides of existing watercourses, to a distance to be  
39 determined by the Planning Commission on recommendation of the  
40 Director of Department of Public Works and Transportation.

41 (4) Where topography or other conditions are such as to make impractical  
42 the inclusion of drainage facilities within road rights-of-way, perpetual  
43 unobstructed easements at least 20 feet in width for such drainage  
44 facilities shall be provided across property outside the road right-of-way

1 and with satisfactory traversable access to the road. Easements shall be  
2 clearly indicated on the plat with metes and bounds. Drainage easements  
3 shall be carried from the road to a natural watercourse or to other  
4 drainage facilities and be adequate to accommodate the top width of the  
5 design flow, access and maintenance requirements.

- 6 (5) When a proposed drainage system will carry water across private land  
7 outside the subdivision, appropriate drainage rights must be secured and  
8 indicated on the plat with the respective recordation information.

9 c. *Maintenance within Drainage Easements*

- 10 (1) The applicant shall establish a maintenance easement in favor of the  
11 County that extends a minimum of 10 feet beyond the limits of drainage  
12 improvements. All areas of the drainage easement outside this  
13 maintenance easement shall remain the responsibility of the landowner.  
14 (2) Adjustments in roadway grades, culvert or storm drain design may be  
15 required in order to limit the easement areas requiring maintenance by  
16 the County and to reduce headwater impacts on adjacent/abutting  
17 properties.

- 18 4. ***Right-of-way, Drainage, and Slope Easements.*** If subdivision approval is applied for  
19 with lots abutting road rights-of-way, which are less than standard width for the proposed  
20 type of roadway, the developer will be required to dedicate the additional right-of-way,  
21 drainage, and slope easements necessary to obtain the necessary width. Permanent  
22 easements will be required for perpetual maintenance by the County. Temporary  
23 easements may be obtained for the required clearing and grading needed to construct the  
24 permitted improvements.

25 5. ***Water and Sewer Systems.***

- 26 a. Community water supply and sewage disposal. Installation of community water  
27 supply and sewage disposal shall be designed, constructed and dedicated in  
28 accordance with the St. Mary's County Comprehensive Water Sewage Plan.  
29 Community water and sewerage systems shall be designed and constructed in  
30 accordance with the St. Mary's County Metropolitan Commission Sewerage Use  
31 Ordinance, St. Mary's County Metropolitan Commission Standards  
32 Specifications for Water and Sewerage Construction, and any other requirement  
33 set forth in this Ordinance.
- 34 b. Private wells and septic systems. Private wells and septic systems may be  
35 approved subject to the requirements of the Health Department and Maryland  
36 Department of the Environment in areas where community water and sewerage  
37 systems are not permitted, required or available according to the St. Mary's  
38 County Comprehensive Water and Sewerage Plan.
- 39 c. All sewage reserve areas (SRA) for new residential lots shall be located within  
40 the boundaries of the lot the SRA is designed to serve, or for new commercial  
41 lots within ½ mile of the new commercial lot. This shall not apply to existing  
42 lots of record.
- 43 d. New sewage reserve areas to serve proposed lots shall not be located within  
44 Sensitive Areas as defined in Chapter 71 of the St. Mary's County  
45 Comprehensive Zoning Ordinance.

- 1 e. No new subdivision may be approved unless the lots will be served by a water  
2 and wastewater disposal system as required by the St. Mary's County  
3 Comprehensive Zoning Ordinance, as amended.
- 4 6. **Utilities.**
- 5 a. The applicant is responsible for installing telephone and electric lines. Prior to  
6 recording, the applicant must show evidence from the appropriate utilities that  
7 sufficient lines exist, or that satisfactory arrangements have been made to have  
8 necessary lines installed.
- 9 b. Public utility easements of a minimum total of 10 feet in width shall be provided  
10 along all lot property lines as may be required. Proper coordination shall be made  
11 between the applicant and the utility company/authority for the establishment of  
12 utility easements along adjoining properties/lots. A utility access to each lot must  
13 be shown on the plat of all subdivisions.
- 14 7. **Street Lights and Traffic Control Signal Warrants.** The applicant shall provide street  
15 lights in accordance with the requirements and standards prescribed in the Road  
16 Ordinance.
- 17 8. **Adequate Public Facilities.** All adequate public facilities requirements shall be met as  
18 provided in the Comprehensive Zoning Ordinance.
- 19 9. **Installation of Improvements.** All public improvements and infrastructure shall be  
20 completed or assured as provided in the Comprehensive Zoning Ordinance, the Road  
21 Ordinance and the Stormwater Management, Erosion and Sediment Control Ordinances.
- 22 10. **Streetscape Improvements.** Streetscape improvements shall be in accordance with the  
23 Comprehensive Zoning Ordinance.
- 24 11. **Transit Bus Shelters.**
- 25 a. All Major Subdivisions shall make provisions for school and transit bus shelters.  
26 Where a curb and gutter are present, there shall be a minimum of four feet  
27 clearance from the face of the curb to any portion of the bus shelter. Where no  
28 curb is present the front of the bus shelter shall be at least ten feet from the edge  
29 of the main traveled roadway. Transit bus shelters may not be located within five  
30 feet of any fire hydrant or handicapped parking space and shall be at least 300  
31 feet from another bus shelter.





**CHAPTER 31 OPEN SPACE RESERVATION, DEDICATION AND FEES IN LIEU**

Sections:

- 31.1 Purpose.
- 31.2 Reservation and Dedication Requirements.
- 31.3 Minimum Recreational Site Dedication for Public Use.
- 31.4 Areas Unsuitable for Public Use.
- 31.5 Dedication Following Approval.
- 31.6 Reservation of Lands for Private Use.
- 31.7 Alternative Procedure.
- 31.8 Appeals.

**31.1. Purpose.**

The purpose of this Chapter is to establish standards and procedures for establishing developed recreational open space within new subdivisions which may either be held in private ownership (individual and residential developments, or Homeowner's Association, etc.) or dedicated to public ownership as determined by the Planning Commission upon recommendation of the Department of Recreation and Parks.

**31.2. Reservation and Dedication Requirements.**

1. **Developed Recreational Open Space.** The minimum area of land within each subdivision, multi-family development, or planned development to be platted as reserved and maintained as developed recreational open space, or dedicated for parks, playgrounds or other recreational uses shall be calculated as provided in Schedule 31.2.1.

**Schedule 31. 2.1: REQUIRED USABLE AND DEVELOPED RECREATIONAL OPEN SPACE DEDICATIONS**

Number of units in the development (based on residential use types)	Useable Open Space	Developed Recreational Open Space within Useable Open Space
Residential use types having 1-24 units	Exempt, except as required per §31.2.2.a below	Planning Commission discretion in accordance with standards of this Chapter
Residential use types having 25 or more units	2,000 square feet per unit*	10% of Useable Open Space; developed per standards of this Chapter.

\* An open space credit as determined by the Planning Commission may be granted if a project is connected by a continuous sidewalk to an improved public park that is located within ¼ mile.

2. **Developed Recreational Open Space Standards.** The purpose of these requirements is to ensure that open space and basic recreational facilities are available on suitable land at appropriate locations within residential communities. These requirements are being kept to a minimum in order to enable the applicant to design specialized recreational facilities.
  - a. Reservation and development of land dedicated for trails, greenways, and parks. For all development proposals, in the event that a development tract includes areas which have been identified in an officially adopted plan as part or all of a potential trail, greenway or park, these areas shall be included as a separate out-parcel designated for use as usable open space. Trail design and construction

1 within the outparcel and connection of that trail to sidewalks within the  
2 development envelope and on lands and rights of way adjacent to the subdivision  
3 tract may be required by the Planning Commission as a condition of subdivision  
4 or site plan approval. Ownership and management of the usable open space  
5 outparcel shall be negotiated between the applicant and the County or a County  
6 designee on a case-by-case basis.

7 b. Developed recreation areas may be any combination of the following as  
8 determined by the Planning Commission and the minimum standards shall apply:

9 (1) Miniparks, Tot Lots and Children's Play areas: Provided as informal  
10 outdoor seating areas close to home and at scattered locations throughout  
11 the community; to provide safe, enclosed outdoor spaces for preschoolers  
12 to play under adult supervision.

13 (a) Minimum Standards:

14 i. Seating areas/preschool play areas – Minimum 15 square  
15 feet per unit.

16 ii. 15 square feet per unit but in no case less than 400  
17 square feet.

18 (b) A wide variety of sizes and designs of miniparks may be  
19 approved provided they meet the purposes outlined above. The  
20 essential elements are: (a) permanent seating for three to six  
21 persons, (b) landscaping to provide shade and amenities and to  
22 define and enclose the boundaries of the space and (c) well-  
23 selected locations.

24 (c) Miniparks may be as small as 10 feet by 12 feet and should  
25 generally be no larger than 1600 square feet. The majority of the  
26 minimum required square footage is to be provided directly  
27 adjacent to unit clusters. Building offsets may be used to create  
28 small miniparks (i.e., courtyards, squares). At least one minipark  
29 should be located adjacent to waterfront, tennis courts,  
30 community centers or other centralized recreation areas in order  
31 to enable adults to "keep an eye on the children" while watching  
32 or participating in sports activities and/or to provide adults with  
33 opportunities for passive recreation in a social setting.

34 (2) Recreation Playing Fields: Green spaces provided for informal play close  
35 to home for children. Fields may also serve as net games area, "village  
36 greens", community house lawns and general open space. Playing fields  
37 may best be considered as community "back yards".

38 (a) 25 or more units: 150 square feet per unit but in no case less than  
39 10,000 square feet.

40 (b) Must be level, open ground, good drainage; with no sensitive  
41 areas centrally located and visible from some of the residential  
42 units that the playing field is intended to serve, and must be  
43 accessible to children without crossing arterials or collector  
44 roads; must not be adjacent to public roads unless physical  
45 barriers adequate for the safety of children are provided.

- 1 (c) Exceptions: Variations in sizes and dimensions of playing fields  
2 may be approved provided they meet the purpose and criteria for  
3 recreation.
- 4 (3) Paved Areas: Provide facilities and space for activities such as basketball  
5 practice, handball practice, shuffleboard, roller skating, outdoor dances,  
6 formal net games, for all ages.
- 7 (a) Construction and materials specifications to be approved by the  
8 Division of Recreation and Parks.
- 9       ▪ Must be visible from residential units and/or public areas.  
10       ▪ Must have good drainage.  
11       ▪ North/South orientation is strongly encouraged.
- 12 c. The remainder of the active recreation area may be developed as village greens,  
13 outdoor theatre, concert areas, gazebos, greenways, hiking/biking trails, fitness  
14 trails, parks or other appropriate uses. Bonus density and/or intensity for Amenity  
15 Space provided within developed recreational space may be sought per the  
16 Comprehensive Zoning Ordinance, Schedule 32.2.
- 17 d. Approval of all developed recreational open space will be based on  
18 appropriateness to the population being served, location, and design.
- 19 3. The Planning Commission may require the dedication or reservation of land areas in  
20 excess of the minimum required by Schedule 31.2.1. In determining whether to require  
21 the dedication or reservation of more area than is minimally required, the Planning  
22 Commission shall consider the following:
- 23 a. The recommendations of adopted plans prepared by local, County, State and  
24 federal agencies applicable to the potential public land;
- 25 b. The physical, social and economic circumstances existing where the County  
26 subdivision is located;
- 27 c. The size and character of the proposed subdivision;
- 28 d. The benefits to the public and residents of the proposed subdivision to be derived  
29 from requiring dedication of land, and
- 30 4. The Planning Commission may approve transfer of ownership of reserved or dedicated  
31 lands to the County, a homeowners association or land conservation group. In all cases  
32 where the dedicated land is to remain under the private ownership of the applicant or its  
33 successors, the applicant shall submit appropriate and specific arrangements for the  
34 perpetual management and maintenance of such land for Planning Commission approval.

35 **31.3. Minimum Recreational Site Dedication for Public Use.**

36 In general, land reserved or dedicated for publicly owned recreational uses shall be part of an area  
37 identified in an officially adopted plan as part or all of a potential trail, greenway or park, or have  
38 a minimum area of 10 acres. Less than 10 acres may be accepted if the area adjoins an existing or  
39 proposed park and the Recreation and Parks Department recommends inclusion of the land in the  
40 County's park system. If the publicly owned recreational open space area is less than 10 acres,  
41 the Planning Commission, upon endorsement by the Recreation and Parks Advisory Board may  
42 require that areas be located at a suitable place on the edge of the subdivision to allow for the  
43 possibility of adding land at such time as the adjacent land is subdivided.

1 **31.4. Areas Unsuitable for Public Use.**

2 The Planning Commission shall have the final authority in determining whether land proposed for  
3 dedication to public use is suitable for such uses. The Planning Commission may either refuse to  
4 approve the dedication, or it may require the rearrangement of lots in the proposed subdivision or  
5 residential development to provide for an acceptable alternative site (or sites) for public use. In its  
6 determination of whether a site is suitable for public use, the Planning Commission shall consider  
7 the following factors:

- 8 1. Any criteria for the intended public use adopted by the Department of Recreation and  
9 Parks;
- 10 2. The natural features of the proposed site; and
- 11 3. The location and shape of the proposed site in relation to existing, planned or proposed  
12 public amenities in the area of the land proposed for dedication.

13 In its evaluation of the natural features of a site proposed for public use by the applicant, the  
14 Planning Commission may require the applicant, at the applicant's expense, to perform soil  
15 borings or provide other detailed topographical/subsurface information not otherwise required by  
16 this section. Such information provided to the Planning Commission must be certified by the  
17 applicant's engineer. Unless the applicant agrees to pay for the necessary site preparation costs,  
18 the Planning Commission may refuse a site if the Planning Commission determines that the  
19 natural features of the site will require significant site preparation work (such as extensive  
20 excavation of rock, extensive grading or grading of steep slopes, remedial environmental  
21 measures, or similar work) to prepare the site for the intended public use.

22 **31.5. Dedication Following Approval.**

23 Whenever the dedication of land to public use is approved by, the Planning Commission the  
24 applicant shall formally dedicate the land to the County by written instrument in recordable form  
25 satisfactory to the County Attorney.

26 **31.6. Reservation of Lands for Private Use.**

27 If the applicant does not propose the dedication of recreational open space lands for public use or  
28 such an offer dedication is rejected by the Planning Commission, the lands shall be reserved for  
29 the use and enjoyment of lot owners or residents of the proposed subdivision or residential  
30 development. The applicant shall submit proof satisfactory to the Planning Commission that the  
31 recreational open space lands will be permanently reserved for the beneficial use and enjoyment  
32 of lot owners or residents. The recreational open space lands so reserved shall be conveyed to a  
33 homeowners association and the applicant shall make satisfactory provision for the financial  
34 responsibility of the association. All covenants, deeds, and restrictions regarding the lands so  
35 reserved shall be in recordable form and shall be approved as to form and sufficiency by the  
36 County Attorney.

37 **31.7. Alternative Procedure.**

38 Money in lieu of land may be required by the Planning Commission upon the recommendation of  
39 the Recreation and Parks Board. Such contributions shall be made in an amount and at a time as  
40 specified by resolution of the Board of County Commissioners.

41 **31.8. Appeals.**

42 The applicant shall appeal any reservation or dedication required by the Planning Commission to  
43 the Board of Appeals, within thirty (30) days of the Planning Commission's decision.