

attached to its approval, may be amended in accordance with this Section. All other requirements and standards of this Subpart are applicable to this Section.

**(b) Application.**

(1) A person desiring to amend a site plan shall submit all information necessary to provide a complete reflection of the proposed amendment and its effect upon the original site plan and any prior amendments.

(2) The proposed amendment shall be accompanied by a fee established by the County Commissioners.

**(c) Initial review.**

(1) Prior to official acceptance, the Planning Director shall review the amendment and determine whether all necessary information has been supplied and whether review and approval by other appropriate agencies is required prior to submission to the Planning Commission. If such review and approval is required, the Planning Director shall notify the applicant, in writing, and transmit the proposed amendment to such agencies for review and further report. Further action may not be taken with respect to a proposed amendment until all information required by this Subsection is furnished.

(2) The Planning Director shall have the authority to approve minor amendments to approved site plans, provided the amendment does not:

(i) Increase total floor area by more than 10,000 square feet as determined under Subtitle 1, Part III, Subpart 2;

(ii) Change the parking design, circulation or location of landscape islands in a manner or to a degree which the Planning Director considers inconsistent with County parking and loading standards;

(iii) Significantly change building materials, architecture or building layout or increase building height in a manner or to a degree that the Planning Director considers inconsistent with County standards or with previous Planning Commission approvals; and

(iv) Require any other modifications that the Planning Director considers significant enough to warrant full Planning Commission review.

**(d) Consideration.**

The Planning Commission shall consider the proposed amendment at a regular meeting that is at least ten (10) days after the Planning Director determines that all necessary information has been furnished. The Commission shall review the proposed amendment as if it had been submitted as an original site plan under this Subpart.

(e) Approval.

(1) If the Planning Commission determines that the amendment does not represent a significant change from the use or character of the site plan as originally approved or in previously approved amendments, or does not require review and approval by other appropriate agencies, the Commission may approve or disapprove the amendment in the same manner as would be permitted with respect to an original site plan.

(2) The approval of any amendment shall contain such conditions for guarantee and completion of construction as may be found necessary or appropriate by the Planning Commission.

(f) Reconsideration.

If the Planning Commission determines that the amendment represents a significant change from the use or character of the original site plan and previously approved amendments or requires more detailed review and approval by other appropriate agencies, the proposed amendment shall be regarded as an original application for a site plan and further action shall be taken with respect to the proposed amendment as if it were being filed as an original application with the Planning Director.

(g) Recording.

Any amendment approved by the Planning Commission shall be filed by the Planning Director among the records of the Department of Planning and Zoning.

### **Subpart 5. Subdivisions**

#### **18-1-158 General Requirements.**

(a) In general.

Before any land within a subdivision is transferred or offered for sale, a final plat of subdivision shall be approved, signed and recorded in accordance with the provisions of this Subpart and the Planning Commission must find that the proposed subdivision addresses all nonconformities.

(b) Scope of requirement.

(1) Any division of a lot, tract or parcel of land into two (2) or more lots, plats, sites or other divisions of land for the immediate or future purpose of sale or building development or the re-platting or re-boundarying of existing lots, tracts or parcels of land are subject to the provisions of this Subpart. Such division includes re-subdivision of a lot, tract or parcel that has been previously subdivided.

(2) In addition to plats, maps and other graphic representations of a subdivision, the description of a lot or parcel by metes and bounds in an instrument of transfer or other document used in the process of any sale or transfer, or proposed sale or transfer, is subject to the provisions

of this Subpart, if the effect of the instrument or document is to represent a subdivision, as defined in this Subtitle.

**18-1-159 Objectives.**

The Planning Director and Planning Commission shall encourage designs that not only meet the minimum subdivision requirements but also result in the most beneficial use of land by:

(1) Providing a more efficient design, thereby reducing the cost of improvements, performance bonds and cost of the lots;

(2) Providing design features or engineering that will be more easily maintained over time and less subject to failure or damage;

(3) Providing for greater safety at less expense to the public agencies responsible for the maintenance of public facilities, such as roads, sewer and water facilities, drainage facilities and detention facilities;

(4) Providing for the coordinated development of adjoining properties to the benefit of future residents and the general public, and ensuring that the future development potential of adjoining properties is not unduly limited;

(5) Providing for drainage through maximum use of natural drainage patterns, whenever practical;

(6) Providing for a drainage system that is unlikely to develop erosion, washout or flooding problems;

(7) Providing stormwater management facilities that are least costly to maintain and repair;

(8) Providing for the shortest or most compact road, drainage, sewer or water system to reduce long-term public maintenance and operational costs;

(9) Providing for maximum protection of natural resources; and

(10) Providing that, to the extent practical, residential lots and structures shall be located at the fringe edges of existing woodlands and fields and the lots designated so that agricultural fields and open spaces are conserved.

**18-1-160 Responsibility of Developers.**

(a) General responsibility.

(1) The developer has sole responsibility to follow the procedures set forth in this Subpart for:

(i) The construction of required improvements;

(ii) Taking any other action necessary to obtain any review or approval required by this Subpart; and

(iii) The acts, errors and omissions of the developer's agents, servants and employees with respect to such procedures, construction, review and approval.

(2) The developer has the sole burden of establishing any facts necessary to any determination required to be made by this Subpart.

(3) The provisions of this Section illustrate, but do not limit, these general responsibilities.

**(b) Required information.**

The developer has sole responsibility to provide all plats, plans, specifications, cost estimates and other information required by or furnished by the developer in connection with any procedure authorized under this Subpart and is solely liable for any errors or omissions in that information.

**(c) Construction.**

The developer has sole responsibility for the construction of all required improvements and is solely liable for any errors, omissions, faulty workmanship or other damage that may result from or occur during such construction.

**(d) Agency action.**

(1) Following any review or approval by an agency or agency employee in accordance with this Subpart, the developer has sole responsibility to determine that no errors or omissions were present in the process of such review or approval.

(2) The responsibility of the developer is not affected to any degree because an agency or agency employee gave any approval or otherwise acted consistently with any information furnished by the developer. An agency or agency employee does not have any responsibility or liability with respect to any errors or omissions that occur in connection with or as the result of any review or approval authorized by this Subpart.

**18-1-161 General Standards of Design.**

**(a) Basic conformance.**

A subdivision layout shall conform to the Comprehensive Plan and to the other provisions of this Subtitle.

**(b) Existing structures.**

(1) In considering and approving an application, the Planning Commission may modify the requirements of Parts III and IV of this Subtitle with respect to any proposed lot that will contain an existing structure if the Commission finds that:

(i) The full application of those requirements would necessarily prohibit any subdivision or reduce the number of lots that could be included in the subdivision;

(ii) Factors other than such reduction demonstrate that it would be burdensome to require that the lot meet those requirements exactly; and

(iii) The modification is the least necessary to reduce that burden.

(2) In the case of a subdivision that contains or may contain single-family residences, the lot shall meet at least the minimum requirements established for a nonconforming lot of record under Subtitle 1, Part VII, Subpart 2.

### **18-1-162 Delegation of Power of Approval.**

**(a) Authorization.**

(1) The Planning Commission may authorize the Planning Director, the Deputy Planning Director, the Zoning Administrator or an equivalent administrative official to approve an administrative subdivision or a minor subdivision.

(2) Notwithstanding paragraph (1) of this Subsection, only the Planning Commission may approve a subdivision that:

(i) Contains more than five (5) lots; or

(ii) Involves the creation or extension of a public road.

**(b) Effect.**

(1) An administrative official to whom authority is granted in accordance with this Section may approve and sign a final plat and shall have those powers conferred upon the Planning Commission by this Subpart that are necessary to exercise that authority.

(2) With respect to any subdivision that may be approved by an administrative official, the words "Planning Commission" in other sections of this Subpart shall be construed to mean that administrative official.

### **18-1-163 Application for Subdivision Approval.**

A developer who wishes to subdivide property shall file an application with the Planning Director. The Planning Director may not accept any application that does not contain all information and documentation required under this Subpart. The application shall be accompanied by a nonrefundable fee in an amount prescribed by the County Commissioners.

**18-1-164 Effect of Approval of Final Plat.**

After any final plat has been approved in accordance with this Subpart, the word “lot” as applied to any land within the subdivision as finally approved shall be deemed for purposes of this Subtitle to mean a lot as shown on the final plat. Any prior size or configuration of all or any part of the land within such subdivision, or the prior status of any such land as a “lot,” is superseded by the final approval.

**18-1-165 Administrative Subdivisions**

All administrative subdivisions shall be reviewed by the Planning Director, unless the Planning Director determines that the administrative subdivision should be seen by the Planning Commission or the applicant requests Planning Commission review and approval.

**18-1-166 Same—Applicability.**

(a) Applicability.

Sections 18-1-167 through 18-1-171 of this Subtitle apply only to a subdivision that is made for a purpose referred to in Section 18-1-167 of this Subtitle and that:

- (1) Involves the replatting, redefining or re-boundarying of at least two (2) but fewer than six (6) existing lots;
- (2) Will provide a number of resulting lots equal to or fewer than the number of existing lots involved in the subdivision;
- (3) Does not affect required improvements or existing covenants or guarantees required under this Subpart; and
- (4) Does not involve the creation of new roads or new rights-of-way.

(b) Other sections.

With the exception of the certificates required under Section 18-1-187(b), (c) and (e) of this Subtitle, Sections 18-1-178 through 18-1-192 of this Subtitle are not applicable to administrative subdivisions.

**18-1-167 Same—Purposes and Limitations.**

(a) Purposes.

An administrative subdivision may be approved for only one of the following purposes:

- (1) Establishing one (1) or more resulting lots that conform to all provisions of this Subtitle for the district in which the resulting lots exist;

(2) Increasing the size of one (1) or more nonconforming existing lots by adding contiguous land; or

(3) Combining existing lots, or parts of existing lots, for the purpose of meeting any requirements of this Subtitle that could not be met by any of the existing lots.

**(b) Resulting lots.**

An administrative subdivision may not be approved unless:

(1) All resulting lots will comply with all requirements of this Subtitle; or

(2) The administrative subdivision results in an increase in the size of one (1) or more existing nonconforming lots and increases only the area nonconformity on any existing lots, while meeting all other requirements of this Subtitle.

**(c) No additional subdivision under certain specified conditions.**

An administrative subdivision that has or has had the effect of combining two (2) or more existing lots into one (1) resulting lot and is requested in anticipation of assessments or fees associated with the extension of public water or sanitary sewer improvements shall be irrevocable. The resulting lot may not be further subdivided at any time, except that lot line adjustments may be approved as is otherwise permitted in this Subtitle, provided such adjustments do not create any new lots of record.

#### **18-1-168 Same—Application Methods.**

An administrative subdivision may be applied for in two (2) methods:

(1) Application with a plat as provided in Section 18-1-169 of this Subtitle; or

(2) Application without a plat as provided in Section 18-1-171 of this Subtitle.

#### **18-1-169 Same—Application with Plat.**

**(a) Application.**

(1) The following shall be included in a submittal for administrative subdivision with plat:

(i) Six (6) copies of an administrative subdivision application and cover letter;

(ii) Six (6) copies of a plat;

(iii) One (1) copy of the property deed(s); and

(iv) One (1) copy of all right-of-way and easement agreements.

(2) The applications and plats shall be signed by the owners of all existing lots that will be affected by the proposed administrative subdivision.

(b) Plat requirements.

(1) All administrative plats shall be prepared according to the following standards.

(2) All administrative plats shall be drawn to a legible scale showing the boundaries and dimensions of:

(i) All existing lots that will be affected in any way by the proposed subdivision, shown with broken lines;

(ii) All resulting lots, shown by solid lines;

(iii) Courses and distances of existing property lines that are being eliminated; and

(iv) Acreage of land being transferred.

(3) Administrative plats shall contain the following information:

(i) The name of the subdivision and information with respect to ownership and professional preparation;

1. A land description, except that a complete boundary survey need not be prepared for any administrative subdivision where:

2. There are no existing surveys of the existing lots;

3. The area in square feet of each resulting lot can be adequately and intelligibly determined by reference to deed descriptions or otherwise; and

4. The final administrative plat is accompanied by the certificate of a registered land surveyor that the administrative subdivision creates no nonconformities;

(ii) The location and width of roads or rights-of-way which adjoin any resulting lot;

(iii) Net buildable area shall be labeled on the plats provided for subdivision approval.

(iv) The location of minimum building setback lines on all resulting lots, together with a notation of the distance between such lines and the road rights-of-way lines;

(v) Ownership, zoning, and use of all adjacent properties;

(vi) Location of the critical area and development area designation (IDA, LDA, or RCA) and the acreage within each development area designation;

(vii) The area in square feet of each resulting lot, calculated to the nearest 100 square feet, plus or minus;

(viii) identification of each resulting lot by consecutive numerals consistent with the system by which the existing lots were denoted; and

(ix) The location of proposed on-site sewage disposal facilities and private water supply.

(4) Areas to be dedicated to public use shall be defined and identified by descriptive language, such as “drainage easement,” “utility easement,” “right-of-way,” or “buffer yard easement.”

(5) The following statement shall be on the plat: “After the plat has been approved and recorded, any prior size or configuration of all or any part of the land shown on this plat, or the prior status of any such land as a “lot” under any zoning ordinance or subdivision regulations, is superseded by the size and configuration of the lots shown on this plat.”

(c) Consideration.

The Planning Director shall consider the application and determine whether the proposed administrative subdivision meets the requirements of Sections 18-1-159 through 18-1-171 of this Subtitle. The Director may indicate in its approval any conditions or changes which will be required prior to final approval. If an administrative subdivision is disapproved, the notification shall contain the reasons for disapproval.

**18-1-170 Same—Approval of Final Administrative Plat.**

(a) Filing.

(1) After a plat has been approved, the applicant shall file with the Planning Director three (3) Mylar and seven (7) paper copies of the final administrative plat and a CAD drawing on floppy disk of the approved property lines, if available.

(2) The final administrative plat shall be prepared and sealed by an identified registered land surveyor.

(b) Consideration.

(1) The Planning Director:

(i) Shall review and consider the final administrative plat at least fifteen (15) days after the plat is submitted;

(ii) May, on the basis of the information submitted, approve the final administrative plat or disapprove the final administrative plat.

(2) The Planning Director may not approve any final administrative plat unless it finds that all requirements of Sections 18-1-165 through 18-1-171 of this Subtitle have been fulfilled.

(c) Approval.

The Planning Director shall approve the final administrative plat with a signature. The signature shall constitute final approval of the subdivision and authorize the plat to be recorded by the recorder of deeds. The final administrative plat is not finally approved until it is so recorded.

(d) Disapproval.

The reasons for the disapproval of a final administrative plat shall be recorded in the file. Disapproval of the final administrative plat may not prevent the applicant from submitting amended or revised plats in accordance with the provisions of this Subpart.

(e) Notification.

The Planning Director shall notify the applicant in writing of the Planning Director's action within seven (7) days after the meeting at which such action is taken. If a final administrative plat is disapproved, the notification shall contain the reasons for disapproval.

(f) Recording.

The provisions of Section 18-1-192 of this Subtitle are applicable to an administrative subdivision.

**18-1-171 Same—Approval Without Plat.**

(a) Scope of section.

In lieu of the plat required by Section 18-1-169 of this Subtitle, the Planning Director may consider and approve an administrative subdivision on the basis of an instrument authorized by this Section if:

(1) All existing lots were established on a single plat (hereafter referred to as "the basic plat");

(2) The basic plat was recorded among the land records of the county prior to April 9, 1987, and is bound within a book containing plats or other land records;

(3) All resulting lots are defined or established solely by reference to the metes, bounds, courses, and distances set forth on the basic plat; and

(4) The director finds that all resulting lots can be adequately and intelligibly defined in accordance with this Section and without requiring a contemporary survey or the preparation of a new plat.

**(b) Requirement of instrument.**

The instrument referred to in this Section shall:

(1) Describe the administrative subdivision only in the manner specified in Subsection (c) of this Section;

(2) Be signed and acknowledged by each person who owns legal or equitable title to any part of an existing lot, but excluding a person who holds any mortgage, deed of trust, or other lien or encumbrance on the existing lot;

(3) Be in proper form to be recorded among the land records of the county; and

(4) Contain a statement in substantially the following form: “after a final approval of this instrument by the Queen Anne’s County Planning Director, the word “lot” as applied to any land described in this instrument shall be deemed for purposes of any zoning or subdivision ordinance to mean a resulting lot established by this instrument. Any prior size or configuration of all or any part of the land described in this instrument, or the prior status of any such land as a “lot,” is superseded by such final approval.”

**(c) Description of subdivision.**

The instrument upon which approval may be given under this Section shall clearly identify:

(1) The basic plat, by reference to the name or title on the basic plat; the date of the basic plat; the date on which the basic plat was recorded among the land records; the specific book and page where the basic plat is physically located and, if such book is not a book that also contains deeds and other general land records, the book and page of the land records where the basic plat is formally recorded;

(2) The deed by which the owner(s) of each existing lot acquired title, including the date of the deed and the book and page of the land records where it is recorded;

(3) All existing lots, by specific reference to the basic plat and the section, block, lot, or other identifying characteristics within the basic plat that distinguish existing lots from other lots;

(4) Each boundary line between existing lots that is to be abolished by the administrative subdivision; and

(5) Each new boundary line that will define the resulting lots.

**(d) Instrument limited to basic plat.**

(1) The information referred to in Subsection (c) of this Section may not contain any description that is based upon or in any way involves or mentions a survey other than that of the basic plat.

(2) Each boundary line shall be:

(i) Either a boundary line shown on the basic plat or a new line of division establishing a resulting lot; and

(ii) Described and/or established solely by reference to the metes, bounds, courses, and distances contained in the basic plat and shall have the same magnetic orientation.

(e) Recordation.

An instrument approved in accordance with this Section shall be promptly recorded among the land records of the County by the Planning Director. The fees for such recording shall be paid by the owner(s) of the land involved in the administrative subdivision.

### **18-1-172 Major and Minor Subdivisions—Required Improvements.**

(a) In general.

Each subdivision shall contain the required improvements and facilities referred to in this Section and Title 23 of this Code.

(b) Minimum improvements.

(1) Each subdivision shall contain roads or highways adequate to provide access to all lots shown in the subdivision and, where required, additional widths for existing major roads or highways in compliance with the County Roads Ordinance.

(2) Each subdivision shall contain storm drainage facilities for the handling and discharge of surface waters. The facilities shall be constructed in accordance with storm water management plans and specifications prepared in conformity with the Storm Water Management Ordinance and the County Roads Ordinance. The facilities are subject to review and approval by the Department of Public Works.

(3) Each subdivision shall contain erosion and sediment control facilities for handling erosion and sediment, to be constructed in accordance with Title 4, Subtitle 1 of the Environment Article of the Annotated Code of Maryland and the Sediment Control Ordinance. The Queen Anne's County Soil Conservation Service is responsible for administration of those provisions.

(4) Each subdivision shall be provided with an approved source of potable water supply and an approved method of sewage disposal. The design, installation, and operation of such facilities is subject to review and approval of the appropriate County and State agencies. If connected to an existing public system, the water or sewer installation shall meet the standards and requirements of such system and shall become a part thereof, without cost to any public agency.

(5) Each subdivision shall provide electric and telephone lines necessary to serve lots in the subdivision. Approval of the utility companies is required. Easements for utility lines or drainage purposes shall be provided along the rear or side lot lines, where required, and these shall be used for the installation of service pole lines, or, if underground utility lines are provided, the easement may be in the front of the lot.

(6) Should any improvement provided pursuant to this subsection be used by other property owners within ten (10) years of the provision of such improvements, the applicant for subdivision approval may seek approval for the reimbursement of all or a portion of the costs incurred, pursuant to the provisions set forth at section 18-4-4(c).

(c) Other improvements.

In addition to the improvements required under Subsection (b) of this Section, each subdivision shall contain resource protection, landscaping, buffer yards, and other facilities and improvements as are required in Part IV of this Subtitle with respect to the particular site. The Planning Director may prescribe layout and design requirements for engineering plans submitted for such improvements.

(d) Inspection and acceptance.

(1) All construction work on required improvements and facilities, and all materials used, shall be subject to approval and inspection by the appropriate public agency or department during and upon completion of construction. Approval of a plat shall not be deemed to constitute or effect an acceptance by the public of any street or other open space shown on the plat.

(2) Where a required improvement is to be transferred to the County, approval and acceptance by the County Commissioners is also required, and no approval given under this Subpart shall be construed to require such acceptance.

### **18-1-173 Connectivity.**

The arrangement of streets within any proposed subdivision abutting areas that are not subdivided shall make provision for the projection of streets into such unsubdivided areas. Lots shall be arranged to allow the opening of future streets and logical further subdivision. When any street exist on the abutting areas, such streets shall be continued and shall be at least as wide as such existing streets and in alignment therewith. Where streets change design in alignment and width, the applicant shall provide transition sufficient to ensure safe and efficient traffic flow.

### **18-1-174 Design Guidelines for Major Cluster Subdivisions in AG, CS, NC, E, SE, SR and VC Districts**

(a) Purpose.

The purpose of this paragraph is to encourage:

- (1) The conservation of natural resources to the extent possible;
- (2) Good site design for residential developments;
- (3) The conservation of energy, aesthetic values, and privacy; and

(4) Good site design and layout for subdivisions that maximizes views, maintains natural resources, and minimizes the number of flag lots and double-frontage lots to the extent possible.

**(b) Design Guidelines.**

All new major cluster subdivisions in the AG, CS, NC, E, SE, SR and VC districts are strongly encouraged to incorporate the following design guidelines. The Planning Director and/or Planning Commission shall consider these guidelines in their review of all new development and redevelopment within these districts. The Planning Director and/or Planning Commission may not approve development applications that have not made a practical and good faith effort to comply with the following design guidelines:

(1) When site characteristic allows, residential units shall be located adjacent to existing tree lines instead of in open fields;

(2) Street trees shall be planted at one hundred (100) to one hundred fifty (150)-foot intervals in rural residential subdivisions;

(3) Storm water management areas should be incorporated into the landscaping of the site and should have the appearance of a landscape amenity;

(4) Existing, mature trees shall be conserved to the extent possible on site;

(5) Community amenities such as community areas, community stables, picnic tables, tot lots, playgrounds, playing fields, tennis courts, walking trails, etc. shall be provided in rural residential neighborhoods that contain more than thirty (30) lots;

(6) Flag Sewage Reserve Areas shall not be allowed;

(7) A limited number of flag lots may be permitted in subdivisions; and

(8) A flag lot shall be at least twenty (20) feet in lot width to accommodate proper access.

**18-1-175 Road Names.**

Names may not duplicate or closely approximate existing street names in the County, except for extension of existing streets. A name sign of an approved design shall be erected at each new street intersection as provided in the County Roads Ordinance and at the expense of the developer.

**18-1-176 Mandatory Dedication of Parkland.**

In all residential subdivisions located within designated growth areas, the Planning Commission shall require the platting and conveyance to the County or to a municipality located within the growth area upon request of such municipality, of suitable and adequate land for active or passive recreation, or the payment of a monetary fee in lieu thereof, or the provision of recreational facilities as otherwise provided by this section.

(1) **Amount of Land Required.** The amount of land in a subdivision or Planned Development to be dedicated shall be: five percent (5%) of any land on which a density of one (1) to four (4) dwelling units per net acre is permissible; seven and one-half percent (7.5%) of any land on which a density of four (4) to eight and one-half (8.5) dwelling units per net acre is permissible;

(2) **Specific Exemptions.** The Planning Commission may exempt from mandatory dedication requirements any subdivision or planned development provided that the Planning Commission determines that the provisions of section 18-1-177 have been satisfied.

(3) **Other Exemptions.** Mandatory dedication shall not apply to:

(i) Any lot that was legally created by deed prior to the adoption date of this Title;

(ii) Any lot being created by the subdivision outside a designated Growth Area, that has a lot area of one (1) acre or more;

(iii) Any lot being created by the subdivision upon which a dwelling legally exists at the time of subdivision; or

(iv) Any resubdivision of property on which land was dedicated or fee in lieu paid. The applicant shall be credited to the extent that land dedication or fees would otherwise be required upon such resubdivision.

(4) When land is shown for preservation as part of an official master plan, such land may be dedicated or preserved in lieu of active recreation, provided that the Planning Commission finds that there is a reasonable amount of active recreation in the general area and that any trails shown on the master plan are provided.

(5) Where on-site detention and/or retention ponds are provided, the Planning Commission may credit such area towards mandatory dedication, regardless of ownership, provided that the Planning Commission determines that such area will provide active or passive recreation due to specific access provisions, recreational facilities, or visual amenity. The Planning Commission must be satisfied that appropriate maintenance agreements have been, or will be made.

#### **18-1-177 Fee in Lieu and Recreation Facilities.**

(a) Fee in Lieu.

(1) The Planning Commission may require the payment of a fee in lieu of dedication equal to five percent (5%) of the total fair market value of the land prior to recordation when it finds that dedication of parkland is unsuitable or impractical due to size, topography, drainage, physical characteristics, or similar reasons, or if adequate open space has been acquired and is available to serve the subdivision.

(2) The fee shall be paid prior to recording the subdivision and shall be used by the Commission to purchase or improve parkland for the benefit of the future residents within the Growth Area of the proposed subdivision.

(3) All fees collected pursuant to this section shall be maintained in separate subaccounts, by growth area, in order to ensure that fees are spent on park lands and improvements in the same growth area from which the fees were collected.

**(b) Recreation Facilities.**

Recreational facilities may be provided instead of land or fees, provided that a plan for such recreation facilities is approved by the Planning Commission after determining that:

(1) Such facilities will be superior, or equivalent, to those that would have been provided under the provisions of mandatory dedication;

(2) The facilities will be properly developed and maintained to the benefit of future residents through covenants, a recreational facilities agreement, or other appropriate means, that such instrument is legally binding upon the subdivider and his heirs, successors, and assigns, and that such instrument is enforceable, including enforcement by the Planning Commission; and

(3) No permit for construction or occupancy of dwellings will be issued unless the Planning Commission is satisfied that the facilities have been, or will be, provided at the appropriate phase of development.

**18-1-178 Optional Preliminary Sketch—Application.**

The purpose of a sketch plan is to provide a method for prompt consideration of matters relating to a subdivision that require consideration by the Planning Commission. Such matters include:

- (1) TDR applications;
- (2) Noncontiguous development applications;
- (3) Master water sewer plan amendments;
- (4) Growth allocation; and
- (5) Recommendations required from the board of appeals.

**18-1-179 Same—Special Application.**

**(a) Special application.**

Instead of filing a subdivision, an applicant may file a special application and, if applicable, a sketch plan, for a preliminary determination by the Planning Commission with respect to matters specified in Section 18-1-178 of this Subtitle.

**(b) Contents of special application.**

(1) The special application shall specifically identify the matters that the owner seeks to have determined and shall include any information that is relevant to a full and complete evaluation of those matters.

(2) The owner shall at all times have full responsibility for furnishing all relevant information.

**(c) Sketch plan—Required information.**

(1) A plat shall contain a location map that indicates the location of the subdivision or development in relation to municipal boundaries and traffic facilities.

(2) The plat shall show the boundaries of the land that is the subject of the application and specify the location and position of the proposed development. A copy of the property deed must be indicated.

(3) The plat shall show the status of all land adjacent to the property that is the subject of the application.

(4) The plat shall indicate the characteristics of the land to be subdivided or developed and all resources that require protection in accordance with Part IV, Subpart 2 of this Subtitle. A complete set of natural resource calculations in accordance with those provisions must be submitted.

(5) The plat shall indicate the base site area and net buildable area, and calculations for arriving at each.

(6) The plat shall indicate all existing and proposed structures, roads, parking areas, and setbacks, including dimensions. Parking and buffer yards must be shown on the plat and along with all computations as to how numbers were arrived at.

(7) The plat should include an environmental review with comments by the Department of Natural Resources. Critical areas designation and delineation (IDA, LDA, and RCA) and buffers must be indicated on the plat.

(8) The sketch plan shall include preliminary information as required under the Forest Conservation Ordinance, Subtitle 2 of this Title.

(9) The sketch plan shall indicate the following site statistics:

- (i) Gross area;
- (ii) Net buildable area proposed (acres);
- (iii) Net buildable area allowed (acres);
- (iv) Area within any floodplain;
- (v) Number of lots;
- (vi) Total area in open space/resource protection;
- (vii) Area in buffer yard; and
- (viii) Area of proposed roads or rights-of-way.

(d) Determination by Planning Director.

(1) If the Planning Director determines on the basis of the application that all information sufficient to evaluate the requested determination has been furnished, the Planning Director shall so inform the owner in writing.

(2) The Planning Director may require the applicant to submit additional information the Planning Director deems necessary for a full and complete consideration of the requested determination. Until the required information is furnished to the Planning Director, an application is not complete under this Section.

(e) Effect.

Because of the superficial nature of a preliminary sketch, any comments provided in accordance with this Section are advisory only and are not binding upon the Planning Commission or the department or agency furnishing the comments.

#### **18-1-180 Same—Preliminary Subdivision Requirements.**

(a) “Identify” defined.

In this Section, “identify” means to give the name, address, and telephone number of the person indicated and, in the case of an engineer, planner, or surveyor, the employer of the identified person.

(b) In general.

All plats required by this Subpart shall be in the form and contain the basic information required by the other provisions of this Section, except as expressly modified in other provisions of this Subpart with respect to any specific type of plat.

(c) Filing.

The applicant shall file with the Planning Director eleven (11) copies of the application and plat(s), two (2) copies of the property deed, and any other applicable information.

(d) Form.

(1) A plat shall be printed on paper to a scale of one (1) inch equals one hundred (100) feet or one (1) inch equals fifty (50) feet. The top of the plat shall be oriented north and the plat shall contain a north arrow. Linear dimensions shall be given in feet and decimals of a foot. Where a line is an arc of a circle, the radius and the length of the arc shall be shown.

(2) The Planning Director may modify the requirements in paragraph (1) of this Subsection relating to scale and orientation if, in the Planning Director's opinion, the requirement places an unnecessary burden upon the applicant and the information required to be shown on the plat can be presented with equal clarity by the modified scale or orientation.

(e) Title block—Contents.

(1) The title block shall contain the information required under this Subsection.

(2) The name of the subdivision shall be indicated, if the property is within an existing subdivision, or the proposed name of the subdivision. A proposed name may not duplicate the name of any subdivision plat previously recorded in the County. The developer may provide a temporary subdivision name, which shall be the name by which the property is generally known in the community.

(3) Land affected by subdivision.

(i) A plat shall identify the owners of all land to be affected by the subdivision and provide a citation of the instruments by which title to the land was conveyed to the owners.

(ii) If the land is affected by a trust of any kind, such information shall be provided with respect to each trustee and each beneficiary of the trust. The nature and extent of the interest of each shall be indicated, and a copy of all trust instruments shall be attached.

(4) The title block shall contain the name and address of all engineers, planners, surveyors, and other professional persons or offices responsible for subdivision design, design of public improvements, and surveys.

(5) A revision block for all revisions made to the plat and the date of each revision shall be included, and the map, block, parcel/lot number.

(6) For subdivisions in or adjacent to the AG, CS, or NC districts, a right to farm statement shall be included. The statement shall provide that there shall be no basis, under this Subtitle, for recourse against the effects of any normal farming operations conducted in accordance with standard and acceptable best management practices. Normal agricultural effects include, but are not limited to, noise, odor, vibration, fumes, dust, spray drift, or glare.

**(f) Preliminary plat—Contents.**

A preliminary plat shall include:

(1) A location map of the region drawn at a reasonable scale and indicating the location of the subdivision in relation to municipal boundaries and traffic facilities;

(2) The name of the owner, use, and zoning of all land adjacent to the property that is the subject of the application;

(3) The locations, names, and right-of-way widths of existing roads and streets, the proposed layout of roads and lots, the alignment of proposed roads in relation to other existing roads, and the entrances and manner of access to the subdivision; and

(4) The location of all recorded easements, including rights-of-way, that affect the property and a citation of any recorded easements, restrictions, reservations, or covenants that affect the property and any information concerning transfer of development rights as they related to the proposed subdivision.

**(g) Capacity calculations.**

The plat shall indicate the base site area, total tract, maximum residential density, total resource protection lands, and net buildable area required by this Subtitle.

**(h) Land description.**

(1) Except as provided in paragraph (2) of this Subsection, the land description in a preliminary plat shall include a complete boundary survey, prepared by a registered land surveyor, containing the following information:

(i) Angles, bearings, azimuths, dimensions, and curve data;

(ii) A description and location of all survey monuments sufficient to reproduce any line or reestablish any monument in the subdivision; and

(iii) Contour lines of two (2)-foot intervals for areas proposed for subdivision. This requirement does not apply to lands subdivided pursuant to the sliding scale subdivision requirements.

(2) For minor cluster and planned subdivisions in the CS and AG districts where five (5) or fewer lots will result from the proposed subdivision, and where 50% or less of the total allowable number of units is proposed on the site, it will not be necessary to submit a complete boundary survey for that portion of the parcel not within the proposed subdivision. However, the following information shall be provided:

(i) Two (2) vicinity maps, one showing the location of the parcel to the nearest County or State road and the other indicating the location of the proposed lots in relation to the entire parcel; and

(ii) The location of all recorded easements or rights-of-way affecting the parcel and/or proposed subdivision.

(i) Site conditions.

A preliminary plat shall include a detailed representation of the following site conditions:

(1) Proposed public improvements, including roads or other major improvements planned by public authorities for future construction on or near the subdivision, according to information available from the Planning Director or Department of Public Works;

(2) Historic sites, including historic buildings, designated historic areas, and natural features noted in the historic inventory prepared by the Maryland Historical Trust;

(3) The location of all existing resource protection features as specified under Subtitle 1, Part IV, Subpart 2;

(4) The location of all existing structures and utilities; and

(5) Areas within the critical area and within each development area designation (IDA, LDA, or RCA).

(j) Same—Subdivision features.

A preliminary plat shall include a detailed representation of the following features of the proposed subdivision:

(1) The proposed location and width of all alleys, roads, and dedications;

(2) Open space areas, as required by this Subtitle;

(3) Areas to be dedicated to public use that are defined and identified by descriptive language, such as “drainage easement,” “utility easement,” “right-of-way,” and “buffer yard easement;”

(4) The boundary lines and proposed dimensions of all blocks, lots, parcels, open space, and public grounds;

(5) The location of minimum building setback lines on all lots, together with a notation of the distance between such lines and the road right-of-way lines, and in no case shall the setback lines be less than required by this Subtitle for the zone in which the subdivision is located;

(6) The proposed location of public or private water supply and public or private sewage disposal facilities;

(7) The location of storm water management facilities;

(8) The gross area in square feet of each lot, calculated to the nearest one hundred (100) square feet; and

(9) Identification of each block by a system of consecutive numerals or letters and identification of each lot within each block by consecutive numerals within that block, beginning with "1".

(k) Same—Site summary data.

A preliminary plat shall include a detailed summary of the site's components, including:

- (1) Gross area;
- (2) Area of other dedicated portions of the subdivision (school sites, parks, etc.);
- (3) Net buildable area proposed (acres);
- (4) Net buildable area allowed (acres);
- (5) Area within any floodplain;
- (6) Number of lots;
- (7) Total area in open space; and
- (8) Area in buffer yard.

(l) Cover letters.

All original and revised development applications shall be accompanied by a cover letter outlining the project, noting any changes to the project and addressing formal staff comments.

### **18-1-181 Preliminary Subdivision Engineering Plan.**

(a) Engineering plan required.

All preliminary plats shall be accompanied by an appropriate number of applications, plats and cover letters outlining the project and preliminary engineering plans that contain, with respect to each required improvement and in preliminary form, the information that is required for review and approval under the ordinances referred to in Sections 18-1-172 through 18-1-177 of this Subtitle.

(b) Public utilities.

The location of public utility facilities shall be provided on the basis of consultation with the utility.

(c) Other agencies.

The Planning Commission, the Planning Director or any other agency providing review may require additional information as may be necessary to provide an adequate basis for proper review of engineering plans.

**18-1-182 Administrative Review of Major Subdivision Plans.**

(a) Preapplication meeting.

(1) Prior to the submittal of a new development application that requires Planning Commission approval, a preapplication meeting between the Department, the applicant and the applicant's engineer/surveyor is required.

(2) The purpose of this meeting is to provide the applicant with:

(i) Relevant guidance as to local, state and federal land use policies and regulations;

(ii) The development review schedule; and

(iii) Time frames to the extent possible.

(3) The preapplication process shall include the following steps:

(i) The applicant shall provide the Planning Director a map of the property identifying resource protection lands, including buildable lands that contain lands that merit conservation.

(ii) A member of the Planning Department shall conduct a site visit in order to become familiar with the property and to verify the natural features as depicted on the preliminary map.

(iii) Following the site visit by staff, the applicant shall prepare a rough sketch plan that indicates all areas proposed for development and all areas set aside for conservation purposes.

(iv) Following staff comment on the sketch plan, the applicant shall submit a plat to the Planning Department to be distributed to the appropriate reviewing agencies, with all proposed lots arranged for maximum use of the property, conservation of natural resources and maximization of views and good site design.

(b) Development review schedule.

(1) The development review schedule applies only to development applications requiring Planning Commission approval.

(2) The schedule is updated on a yearly basis and is available at the Department.

(c) Same—Time frames.

The development review schedule includes the following significant time frames:

(1) The original submittal date is the first regularly scheduled date when a project with a complete application may be submitted to the Department and included in the development review cycle. A submittal meeting between the Department and the applicant's agent is required.

(2) Staff Technical Advisory Committee (STAC) review, which is the regularly scheduled date when relevant government agencies meet to review development applications and provide the applicant with formal comments. Each development application requires STAC review at least once. Development applications that involve sketch and subdivision approval require STAC review at each stage of the approval process. Subdivision proposals (preliminary and final) require STAC review once. Revisions to approved subdivision plans will not require additional STAC review. The Planning Director reserves the right to eliminate unnecessary STAC reviews, if appropriate. Formal staff comments will not be made available to the engineers/surveyors or applicants until a STAC meeting is held.

(3) The twenty-five (25)-day cutoff is the regularly scheduled date that complete development applications may be submitted to the Department for consideration for the next regularly scheduled Planning Commission meeting. A submittal meeting between the Department and the applicant's agent is required.

(4) The fifteen (15)-day administrative approval is the regularly scheduled date that the Department completes all development application reviews, sets the Planning Commission agenda, and prepares Planning Commission staff reports.

(5) The Planning Commission meeting is the regularly scheduled date that the Planning Commission meets.

(d) Incomplete application.

Incomplete development applications submitted on the original cutoff and/or twenty-five (25)-day cutoff date will not be accepted or moved forward for the formal development review cycle. Should the applicant still desire staff review of the development application, the applicant must sign a "letter of understanding" indicating the applicant understands the development application is incomplete and will not be processed through the development review cycle. Incomplete development applications will be reviewed as staff time permits.

**18-1-183 Agency reports.**

(a) Form.

Each agency report shall specify the latest revision date shown on the preliminary plat and engineering plans to which the report applies and shall be signed by an authorized representative of the agency.

**(b) Contents.**

Each report shall contain either an affirmative statement that the preliminary plat and engineering plans meet all requirements with which the particular agency is concerned and that the agency has no recommendations or:

(1) Any recommendations for changes in the preliminary plat and engineering plans;

(2) Any conditions for approval necessary to bring the preliminary plat and engineering plans into compliance with any applicable law, ordinance or regulation or to eliminate any adverse effects of the proposal on those aspects of the general health, safety and welfare of the community for which such agency has special responsibility; and

(3) Any revisions that the agency requires with respect to the estimates of cost and completion contained in the preliminary plat and engineering plans.

**18-1-184 Preliminary Review by Commission.**

**(a) Transmittal.**

After approval of a preliminary plat and engineering plans in accordance with Section 18-1-183 of this Subtitle, the Planning Director shall prepare and forward to the Planning Commission a written report setting forth the Department's recommendations and those of the Staff Technical Advisory Committee (STAC).

**(b) Consideration.**

(1) The Planning Commission shall consider the preliminary plat and engineering plans and the recommendations at its next regular meeting that is at least ten days after the report of the Planning Director.

(2) On the basis of preliminary information and any other information presented at the meeting, the Commission shall determine whether it appears that the proposed subdivision meets all requirements of this Subtitle and that final approval will be given if all provisions of Sections 18-1-186 through 18-1-192 of this Subtitle are fulfilled in accordance with that information.

(3) The Commission may approve or disapprove the preliminary plat and engineering plans. The Planning Commission may indicate in its approval any conditions that will be required prior to final approval, but the Commission is not required to do so, and its failure to indicate any condition in connection with preliminary approval may not affect the right to attach such condition to its final approval.

(4) The Commission's action, including the reasons for any disapproval, shall be recorded in the minutes of the meeting.

(c) Effect of approval.

(1) Approval of the preliminary plat and engineering plans constitutes tentative approval of the general design of the subdivision and is revocable by the Planning Commission. If not earlier revoked, the approval shall continue for a period of thirty (30) months.

(2) After the earlier of the time when the tentative approval is revoked or thirty (30) months after the date of the tentative approval by the Planning Commission, all rights arising from or created by the approval shall expire and terminate unless the time is extended by the Planning Commission for good cause shown by the developer.

(d) Notification.

The Planning Director shall notify the developer, in writing, of the Planning Commission's action within seven (7) days after the meeting at which the action is taken. If the preliminary plat and engineering plans are disapproved, the notification shall contain the reasons for disapproval.

**18-1-185 Final Engineering Plans—General Requirements.**

(a) Requirement.

Except where development of the subdivision does not involve required improvements, final engineering plans may be submitted by the developer after approval of the preliminary engineering plans. The final engineering plans shall be filed with the Planning Director.

(b) Preparation.

(1) Final engineering plans shall be prepared by a professional engineer or professional land surveyor.

(2) All copies of the final engineering plans shall contain:

(i) The identity and signature of the engineer and the imprint of the engineer's seal;

(ii) The original date of design of the plans and all revision dates; and

(iii) The signature of the department head or authorized person indicating final approval of the plat.

(3) Street/storm drain plans.

Engineering specifications and review procedure guidelines relating to street and storm drain plans may be obtained at the Department of Public Works.

**18-1-186 Final Plat Approval—Submission of Final Plats.**

**(a) Filing.**

(1) The applicant shall file with the Planning Director three Mylar and seven (7) paper copies of the final plat(s).

(2) The final subdivision plat shall be prepared and sealed by an identified registered land surveyor.

(3) A final plat may not be accepted for processing if:

(i) The period for approval of the preliminary plat has expired;

(ii) The final engineering plans have not been approved; or

(iii) All requirements of this Section have not been met.

**(b) Preparation.**

The final plat shall represent a record of the subdivision as surveyed in the field and shall be prepared, signed, and sealed by a registered land boundary surveyor who shall be identified on the plat. The final plat shall be permanently drawn on tracing cloth or reproducible Mylar and shall contain the same information as the preliminary plat, except for changes and additions required by the Planning Commission.

**(c) Partial plats.**

(1) A developer may request permission to file a final plat covering only a portion of the area included in the preliminary plat. The request shall be in writing, filed with the Planning Director, and contain a statement of all reasons why the request is made.

(2) The Planning Director and Director of Public Works may accept a partial plat if both determine that such partial plat will not have any negative effect on the continuity of infrastructure, including but not limited to roads, water, sewer, and stormwater.

(3) The Planning Director's determination is subject to review and approval by the Planning Commission.

**(d) Contents.**

The final plat shall contain all information as required for a preliminary plat. In addition:

(1) If more than one (1) sheet is used for any plat, each sheet shall be numbered consecutively and shall contain a notation showing the whole number of sheets in the plat and its relation to the other sheets; and

(2) Open space areas required for the protection of natural resources under Subtitle 1, Part IV, Subpart 2 shall be shown.

(e) Other documents.

A final plat may be reviewed but may not be submitted to the Planning Commission for final approval until the developer has filed with the Planning Director:

(1) Copies of all covenants and restrictions required by this Subtitle, which shall contain a legally sufficient description of the subject property, the name of the subdivision, and a reference to the final plat;

(2) If the final plat includes public roads, an instrument executed by the owner and in proper form to be recorded among the land records of the County that includes:

(i) A statement by which the owner dedicates all roads in the subdivision other than roads approved as private roads to public use;

(ii) An offer to convey the roads to the County Commissioners at such time as the County Commissioners by ordinance or resolution agree to accept the roads as part of the County roads system;

(iii) A covenant that the offer is irrevocable and may be released only in the same manner as that provided by law for the abandonment or closing of public roads; and

(iv) An express statement that the County Commissioners and/or the County Roads Board have no responsibility whatsoever for the roads until such time as they are accepted as part of the County roads system by ordinance or resolution.

(3) If the final plat proposes to discharge treated effluent into, or proposes any construction within, a public waterway or waters otherwise controlled or regulated by any governmental or quasi-governmental agency such as the U.S. Corps of Engineers, the Maryland Division of Water Resources, a drainage district, a sanitary district, or the U.S. Environmental Protection Agency, copies of appropriate permits for the discharge or construction;

(4) Reports containing an affirmative statement by each agency to whom the subdivision plat has been referred that the subdivision plat meets all requirements with which the particular agency is concerned and that the agency has no recommendations; and

(5) Proof of completion of all required improvements or a guarantee in accordance with Part VII, Subpart 6 of this Subtitle.

**18-1-187 Same—Required Certifications.**

(a) In general.

Every final plat shall contain certificates in substantially the form provided in this Section. The certificate of the owner shall be made by the person(s) who have fee simple title to the property and shall be acknowledged and contain a certificate conforming to the Maryland Uniform Acknowledgments Act.

(b) Owner's certificate.

This is to certify that the undersigned is/are the owner(s) of the land described in the annexed plat and that I/we have caused the land to be surveyed and subdivided as indicated thereon for the uses and purposes set forth herein. I/we also certify to the best of my/our knowledge that all recorded and unrecorded easements, restrictions, reservations or covenants have been indicated on the annexed plat. I/we hereby acknowledge and adopt the same as my/our act this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
(Signature of owner)

(Typed or printed name of owner)

(c) Uniform Acknowledgments Act.

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, BEFORE ME, THE  
UNDERSIGNED OFFICER, PERSONALLY APPEARED \_\_\_\_\_

KNOWN TO ME (OR SATISFACTORILY PROVEN) TO BE THE PERSON WHOSE NAME  
IS SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED THAT HE  
EXECUTED THE SAME FOR THE PURPOSES THEREIN CONTAINED. IN WITNESS  
WHEREOF I HEREUNTO SET MY HAND AND OFFICIAL SEAL.

\_\_\_\_\_  
Notary Public

(d) Planning Commission certificate.

This is to certify that the annexed plat of subdivision/site plan was approved by the Planning  
Commission of Queen Anne's County on the \_\_\_\_\_ day of  
\_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
(Signature of Chairman  
or Secretary of Planning Commission)

(e) Surveyor's certificate.

This is to certify that the undersigned, Registered Maryland Land Surveyor No. \_\_\_\_\_, has  
surveyed and subdivided the property as described and shown on the annexed plat and that such  
plat is a correct representation of that survey and subdivision. All distances are shown in feet and

decimals thereof. All lots meet the requirements of the Queen Anne's County Zoning Ordinance in regard to lot area, width and buildable area.

I further certify that this subdivision is/is not situated within five hundred (500) feet of a surface drain or water course serving a tributary area of 640 acres or more.  
As witness, my hand and seal this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

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(Signature of Surveyor)  
(Typed or printed name of surveyor)  
(Address of surveyor)

**(f) County Finance Officer's certificate.**

The Finance Officer of Queen Anne's County hereby certifies that there are no delinquent general taxes and no redeemable tax sales against any of the land shown on the annexed plat and that I have received all fees and taxes assessed against such land.

As witness, my signature, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

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(Signature of County Finance Officer)

**(g) County Attorney's certificate.**

The undersigned, County Attorney for Queen Anne's County, hereby certifies that acceptable surety for required improvements shown on the annexed plat has been furnished in accordance with the Queen Anne's County Zoning Ordinance.

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(Signature of County Attorney or  
Planning Commission Attorney)  
(typed or printed name of attorney)

**(h) Public Works certificate.**

This is to verify that the annexed plat of subdivision was approved by the Department of Public Works of Queen Anne's County on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

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(Signature)

(i) Environmental Health certificate.

This is to verify that the annexed plan of subdivision was approved by the Environmental Health Department of Queen Anne's County on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
(Signature)

(j) Planning Department certificate.

This is to certify that the annexed plat of subdivision was approved by the Department of Planning of Queen Anne's County on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
(Signature of Planning Director)

**18-1-188 Same—Administrative review of final plats.**

(a) Transmittal.

Within three (3) days after receiving final plat copies, the Planning Director shall forward copies to the Directors of the Department of Public Works, the Department of Health, and the County Soil Conservation Service, and to the County Engineer for their review.

(b) Notification.

With time frames specified in the development review cycle, the Planning Director shall provide the developer with a written statement containing one of the following statements:

(1) The final plat is in full compliance with this Subtitle and all changes or revisions to the preliminary plat required by the Planning Commission;

(2) The final plat is not in compliance with this Subtitle and all changes or revisions to the preliminary plat required by the Planning Commission and must be revised and resubmitted; or

(3) Designated minor changes are necessary to the final plat, but the plat may be scheduled for Planning Commission approval, subject to receipt of such revisions at least twenty-five (25) days prior to the date of the Planning Commission meeting.

(c) Revision.

Following notification pursuant to Subsection (b)(2) of this Section, a revised final plat shall be filed with the Planning Director for further review in accordance with the provisions of this Section.

**18-1-189 Same—Completion of Required Improvements.**

- (a) Requirement of completion.

A final plat may not be submitted to or approved by the Planning Commission until:

(1) All required improvements have been satisfactorily completed and accepted in compliance with the requirements of this Subpart; or

(2) A guarantee for the completion of required improvements has been filed in accordance with Subsection (b) of this Section.

- (b) Guarantee.

(1) If any required improvement is not completed at the time when a final plat might otherwise be submitted to the Planning Commission, the developer may file a guarantee in a form and with the undertakings provided in Sections 18-1-193 through 18-1-203 of this Subtitle.

(2) Unless otherwise provided by rules and regulations adopted by the Planning Commission and, in any event, subject to final action by the Planning Commission in accordance with Section 18-1-190 of this Subtitle, the Planning Director may accept a guarantee in an amount and for a period determined on the basis of the agency recommendations provided in accordance with Section 18-1-185 of this Subtitle with respect to the estimated cost of completing the required improvement and the time for its completion.

**18-1-190 Same—Final Consideration by Commission.**

- (a) Transmittal.

The Planning Commission shall consider the matter at a regular meeting that is at least ten (10) days after the Planning Director has received the final plat and all approvals and other documents required under Sections 18-1-186 through 18-1-189 of this Subtitle. A matter may not be submitted to the Planning Commission for final approval prior to that time.

- (b) Consideration.

- (1) The Planning Commission:

(i) Shall review and consider the final plat at its next regular meeting; and

(ii) May, on the basis of the information submitted, approve the final plat for signature in accordance with Subsection (d) of this Section or may disapprove the final plat.

(2) The Planning Commission may not approve a final plat unless it is satisfied that all requirements of this Subtitle have been fulfilled.

(c) Amount and duration of guarantee.

(1) Before approval of a final plat, the Planning Commission shall consider the recommendations provided in accordance with Section 18-1-185 of this Subtitle with respect to the estimated cost of completing required improvements and the time for the completion of the required improvements.

(2) On the basis of those recommendations and other information before it, the Planning Commission shall establish the amount of the guarantee and a reasonable time within which the improvements are to be completed. The guarantee shall conform to all requirements in Sections 18-1-193 through 18-1-203 of this Subtitle.

(d) Approval.

If the Planning Commission approves the final plat, the final plat shall be signed by the Chairman or Secretary of the Planning Commission. The signature shall constitute final approval of the subdivision and authorize the plat to be recorded by the recorder of deeds. The final plat is not finally approved until it is so executed.

(e) Conditional approval.

(1) The Planning Commission may condition its approval on the performance of a minor administrative act that involves no exercise of discretion, such as the submission to its Chairman or Secretary of a revised guarantee or covenant containing terms expressly set forth in the condition.

(2) Notwithstanding paragraph (1) of this Subsection, action may not be taken in accordance with Subsection (d) of this Section until that condition is fulfilled.

(f) Disapproval.

(1) The reasons for the disapproval of a final plat shall be recorded in the minutes of the meeting at which it was considered.

(2) Disapproval of the final plat may not prevent the developer from submitting amended or revised plans in accordance with the provisions of this Subpart.

(g) Notification.

The Planning Director shall notify the developer in writing of the Planning Commission's action within seven (7) days of the meeting at which such action is taken. If a final plat is disapproved, the notification shall contain the reasons for disapproval.

**18-1-191 Same—Extension of Time for Completing Improvements.**

If a required improvement is not completed within the time established under this Subpart, the Planning Commission may extend the time for completion for a reasonable period. An extension shall be conditioned upon the filing of appropriate guarantees conforming to the requirements of

Sections 18-1-193 through 18-1-203 of this Subtitle. Nothing in this Section shall be construed to limit the right of the County Commissioners to enforce the guarantee at any time during the period initially established or during any period of extension.

**18-1-192 Recording and Distribution of Plats—Generally.**

- (a) In general.

A plat or other representation of a subdivision may not be recorded among the land records of the County until it has been approved and signed in accordance with this Subpart.

- (b) Responsibility of developer.

The developer has sole responsibility to provide a final plat and all other documents required by this Subtitle to be recorded among the land records of the County in such form as may be necessary for the recordation and to pay, in addition to any other fees required by this Subpart, all costs of the recording and of obtaining certified copies of the final plan and other documents.

**Subpart 6. Guarantees and Covenants**

**18-1-193 Guarantees—Scope.**

- (a) Scope.

Sections 18-1-194 through 18-1-203 of this Subtitle apply to any monetary guarantee, agreement, or undertaking authorized or required by this Subtitle with respect to a required improvement.

**18-1-194 Same—Effect of Requirement of Guarantee.**

- (a) Effect of requirement.

If an owner or developer is required under the provisions of this Subtitle to furnish a guarantee, a zoning approval may not be given under Subpart 2 of this Part for any portion of the project to which the guarantee relates until authorized surety is provided in accordance with this Subpart.

- (b) Sectional development.

If a development is approved for construction in sections or stages, a guarantee is required with respect to all required improvements necessary to the proper operation and function of the section in question, even though the required improvements may be located outside of that section or stage.

(c) Exception.

(1) Notwithstanding Subsection (a) of this Section, if preliminary approval has been given to a project under Subparts 4 or 5 of this Part and authorized surety has been furnished, the Planning Director may issue a zoning approval necessary to complete a required, related off-site improvement (including streets, sidewalks, sanitary and storm sewers, street lights, and street trees) that is part of the preliminarily approved project.

(2) Any authorized surety given in connection with an approval under paragraph (1) of this Subsection shall contain an additional condition that any work done will be removed, corrected, or otherwise changed to conform to any final approval given with respect to the project.

**18-1-195 Same—Liability of County; Benefit Guarantee.**

(a) Liability of County.

Nothing in this Subpart shall be construed to obligate the County Commissioners, the Planning Commission, the Department, or any officer, employee, agent, or attorney of the County with respect to any aspect of a required improvement or its construction.

(b) Benefit guarantee.

No person, including a contractor, a subcontractor, or a person who supplies materials with respect to a required improvement, shall have any interest in any guarantee furnished under this Subpart, as third party beneficiary or otherwise.

**18-1-196 Same—Rules.**

The Planning Commission may adopt general rules and regulations, consistent with this Subtitle, relating to its duties with respect to guarantees.

**18-1-197 Same—General requirements.**

(a) Form.

(1) A separate guarantee shall be required with respect to each required improvement.

(2) A letter of credit or cash deposit shall be used only when authorized by the Planning Commission.

(3) A bond or letter of credit shall be in one instrument and executed or issued by the same company or financial institution.

**(b) County Commissioners.**

All authorized surety shall be issued in favor of and be enforceable by the County Commissioners of Queen Anne's County.

**(c) Conditions of performance guarantee.**

A performance guarantee shall provide guarantees of:

(1) Complete performance by the owner or developer of all terms and conditions of this Subtitle and any conditions imposed by the Planning Commission with respect to the required improvement;

(2) Payment of labor and materialmen who furnish labor, services, or material with respect to the required improvement; and

(3) reimbursement to the County Commissioners, and any officer or employee of the County, with respect to all costs, expenses, damages, injury, or loss to which the County, officer, or employee may be subjected by reason of any wrongdoing, misconduct, want of care or skill, negligence, or default upon the part of the owner or developer or any contractor or subcontractor employed with respect to the required improvement that arises from or in any way relates to the required improvement.

**(d) Conditions of maintenance guarantee.**

A maintenance guarantee shall:

(1) Provide guarantees for the proper maintenance of the required improvement and for the correction of any defects with respect to materials and workmanship in the required improvement; and

(2) Include a performance guarantee with respect to any work or other activity done in connection with the maintenance or correction.

**(e) Duration.**

The Planning Commission shall require that a performance guarantee continue for at least the period approved for completion of the required improvement and may require that a maintenance guarantee, in the same or a lesser amount, continue thereafter for a reasonable period that the Commission deems necessary to assure the quality of the workmanship and materials provided for the required improvement and for its proper maintenance.

**(f) Approval.**

An authorized surety shall be subject to approval by the County Attorney or the attorney for the Planning Commission as to form and legal sufficiency.

**18-1-198 Same—Surety Bonds.**

**(a) Amount.**

A surety bond shall be in an amount equal to 125% of the estimated cost of the required improvement as determined by the Planning Commission.

**(b) Recordation.**

A bond must be recorded by the owner or developer, and a copy of the recordation fee receipt must be filed with the Planning Director.

**18-1-199 Same—Letters of Credit.**

**(a) Amount.**

A letter of credit shall be in an amount equal to 110% of the estimated cost of the required improvement as determined by the Planning Commission.

**(b) Duration.**

A letter of credit shall be irrevocable for the period that the Planning Commission shall determine, but in no event shall that period be less than the time specified in Section 18-1-197 of this Subtitle, plus thirty (30) days.

**18-1-200 Same—Cash Deposits.**

**(a) Amount.**

A cash deposit shall be in an amount at least equal to the estimated cost of the required improvement as determined by the Planning Commission.

**(b) Agreement.**

(1) The cash deposit shall be subject to the terms of a written agreement, approved by the Planning Commission and signed by the Planning Director and the owner or developer.

(2) The agreement shall contain:

(i) The conditions required or authorized for a performance guarantee;

(ii) A specific statement of the several phases of work or construction involved in the required improvement;

(iii) the amount that may be released upon the completion of each phase;

(iv) A release by which the person making the deposit relieves the county commissioners or any other officer or employee of the county of any responsibility resulting from the insolvency, delinquency, or other defalcation of a financial institution in which a cash deposit is held, if the institution is authorized to accept deposits under the laws of Maryland; and

(v) Such other terms as the planning commission deems appropriate.

(3) The agreement:

(i) May provide for a maintenance guarantee; and

(ii) May not provide that more than 85% of the original amount of the deposit be refunded prior to final completion of the required improvement.

(c) Deposit of funds.

(1) Cash deposited under an agreement shall be deposited with the County.

(2) The designated County official shall give the person making the deposit an official receipt, stipulating that the cash has been deposited subject to the provisions of this Section and the terms of the agreement.

(3) In the event of any default under the terms of the agreement, any interest earned on the deposit shall be added to the amount of the original guarantee then held by the County and shall be fully available for purposes of satisfying that default.

(4) If there is not a default, interest earned on the deposit shall be refunded to the owner or developer at the time of final release.

(d) Releases generally.

(1) Cash deposited with respect to a performance guarantee may not be released, in whole or part, until a release covering the work completed has been filed with the Planning Director and signed by the contractors and persons who furnished materials with respect to the required improvement indicating that they have been paid for the work and materials.

(2) The Planning Director may rely conclusively upon a document that:

(i) Purports to contain the release and be signed by all such persons; and

(ii) Is accompanied by a statement under oath by the owner or developer that the document represents a complete list of all persons required to sign the release.

(e) Partial releases.

(1) After notice from the owner or developer that a phase has been completed, the Planning Director shall inspect the required improvement and, if the Planning Director finds that the terms of

the agreement have been fulfilled in a satisfactory manner with respect to that phase, shall certify that fact in writing to the designated County official.

(2) Upon notification, the designated County official is hereby authorized to refund to the owner or developer the amount that may then be released under the terms of the agreement.

(f) Final release.

After certification by the Planning Director that the required improvement has been fully completed in accordance with the terms of the agreement, the Planning Commission or its designee may authorize that the remaining portion of the cash deposit be refunded to the owner or developer or may direct that all or any part of it continue as a maintenance guarantee.

**18-1-201 Same—Change in Authorized Surety.**

Whenever authorized surety furnished by an owner or developer (including, in the case of a bond or letter of credit, the company or institution that issued the authorized surety) shall be deemed by the County to be insufficient or unsatisfactory, the owner or developer, within ten days after notice to that effect, shall furnish and deliver new authorized surety to the County, in the same penalty and on the same conditions and in a form satisfactory to the County. This duty shall continue on the part of the owner or developer whenever and so often as the County shall require new authorized surety. If the owner or developer fails to furnish the authorized surety within ten days after said notice, further work may not be performed by the owner or developer and inspections or approvals may not be given by the Planning Director until satisfactory bonds have been furnished.

**18-1-202 Same—Amendments.**

(a) Amendment—Defined.

As used in this Section, an amendment includes the filing of new or substitute authorized surety.

(b) In general.

(1) At any time after an authorized surety is given and prior to the time when the County Commissioners have taken any action to enforce an authorized surety, the Planning Commission may for good cause shown by the owner or developer allow the amendment of an authorized surety in accordance with this Section.

(2) The request for amendment shall be filed, in writing, with the Planning Director.

(c) Reasons.

An amendment shall be allowed only when it is shown to the satisfaction of the Planning Commission that:

(1) Specified circumstances have arisen that were unforeseen at the time when the original authorized surety was accepted;

(2) The circumstances were beyond the reasonable control of the owner or developer;

(3) The amendment will not have an adverse effect upon or undue delay on the satisfactory completion of the required improvement or the project to which it relates; and

(4) The amendment will have no adverse effect upon the public health, safety, and welfare or any other purposes of this Subtitle.

(d) Terms.

Amendments shall:

(1) Be consistent with the purposes and terms of all provisions of this Subpart that relate to an original authorized surety; and

(2) Be evidenced in the same manner as an original authorized surety.

(e) Effect of section.

The right of an owner or developer to request that an authorized surety be amended, or the filing of any such request, may not delay or otherwise affect in any manner the right of the County Commissioners to enforce an authorized surety, including an amended authorized surety, at any time prior to the time when it has been actually amended in accordance with this Section.

**18-1-203 Covenants—Duties of Developer or Applicant.**

The developer, applicant, or other person seeking approval has sole responsibility for the preparing of covenants, obtaining all required signatures, and paying all costs of recordation.

**18-1-204 Same—Requirements.**

(a) In general.

(1) A site plan, subdivision, zoning approval, or other activity that involves the establishment of any covenant required by this Subtitle or for which standards are imposed by this Subtitle may not be finally approved until all covenants:

(i) Are submitted by the developer;

(ii) Are found by the planning commission to fulfill all requirements of this Subpart and other provisions of this Subtitle that require or authorize covenants; and

(iii) Are recorded or delivered to the planning director to be recorded among the land records of the county.

(2) All covenants shall be approved as to form and legal sufficiency by the attorney to the Planning Commission prior to recordation.

(3) The approvals of the Commission and its attorney shall be in writing and placed on the face of the instrument containing the covenants.

**(b) Modification.**

The provisions of this Subtitle that require covenants shall be waived or modified by the Planning Commission to the extent, if any, to which they are prohibited by the Maryland Homeowners Association Act, Title 11B of the Real Property Article of the Annotated Code of Maryland.

**18-1-205 Same—Contents of Instruments.**

**(a) Form.**

All covenants required by this Subtitle shall:

(1) Be included in a written instrument, signed and acknowledged by all covenanters, in proper form to be recorded among the land records of the County; and

(2) In addition to any provisions required elsewhere in this Subtitle, contain the provisions required by this Section.

**(b) Description of land.**

The instrument shall describe each subject area by:

(1) A metes and bounds description prepared by a registered land surveyor; or

(2) Specific reference to an area designated on a plat, prepared by a registered land surveyor, that has been previously recorded or is to be recorded at the same time as the instrument containing the covenants.

**(c) Title.**

The instrument shall contain a specific reference to the date and place of recording of each instrument by which each covenanter:

(1) Holds legal or equitable title to each subject area; or

(2) Otherwise has the right or authority to execute the instrument.

**(d) Description of restrictions.**

The instrument shall contain covenants that fully define the manner and rights of use of any land that is made subject to a covenant.

(1) Nature and scope of covenants.

The instrument shall contain express provisions that:

(2) Each covenantor has been fully compensated for any restrictions or other covenants that restrict or otherwise affect any land to which a covenant relates;

(3) All covenants are made by the covenantor for the covenantor and the covenantor's heirs, successors, personal representatives, and assigns; and

(4) All covenants are binding upon each covenantor and the covenantor's heirs, successors, personal representatives, and assigns;

(5) All covenants run with and bind all land within the subject area;

(6) All covenants are enforceable by the county commissioners or any department, agency, or other public body empowered by law or ordinance to enforce the zoning laws of Queen Anne's County;

(7) A covenant may not be amended or changed in any manner without prior written approval of the planning commission or other agency or person duly authorized by the county to approve the change or amendment; and

(8) Any open space restrictions established by the instrument shall be null and void and of no force and effect following:

(i) annexation of the open space by a municipal corporation within Queen Anne's County; and

(ii) final approval by the municipal corporation of a subdivision or site plan that would permit uses other than those uses authorized in the instrument.

(e) Additional provisions.

An instrument containing covenants may include one or both of the following:

(1) As to any person who is a "covenantor" solely by reason of the fact that the person holds a mortgage, deed of trust, or other lien or encumbrance on any part of the subject area, a provision that:

(i) The covenants are executed by the person solely for the purpose of subordinating the mortgage, deed of trust, or other lien or encumbrance to the lien, operation and effect of the covenants; and

(ii) The covenantor has no personal responsibility, unless the covenantor thereafter becomes a lot owner, as to all or any part of the subject area; and

(2) Provisions that impose other restrictions upon any part of the subject area or impose other duties upon lot owners, if the additional provisions:

(i) Are not inconsistent with the covenants required by this Subtitle; and

(ii) Are expressly identified in the instrument as being different from those imposed in accordance with the provisions of this Subtitle.

**18-1-206 Same—Relating to Common Areas.**

(a) In general.

(1) The provisions of this Section are supplemental to those of Section 18-1-205 of this Subtitle.

(2) Covenants relating to common areas shall insure that the common areas:

(i) Are used and maintained for the common benefit of all lot owners within the subject area and in such manner that the common areas will remain attractive and useful to lot owners; and

(ii) Will not be injurious to the health, safety, and welfare of residents of surrounding areas or detrimental to property values of land and improvements within the subject or surrounding areas.

(b) Exception.

The Planning Commission may authorize that a covenant be imposed for the benefit of two or more, but fewer than all, parcels of land within the subject area:

(1) Upon findings that the covenants will not:

(i) Be contrary to the purposes for which the covenant is required or established or to any other purposes of this Subtitle; and

(ii) Adversely affect the proper maintenance of a common area; and

(2) Provided that no obligations with respect to that common area shall be imposed upon a lot or lot owner upon whom such rights are not conferred.

(c) Required covenants.

A covenant that affects common areas shall describe each common area in the same manner as required for the description of a subject area and contain detailed provisions that:

(1) Ensure that the common area is maintained for the common use of all or specified lot owners;

(2) Are expressly stated to inure to the benefit of the persons designated to administer the common area, any lot owner who has any right or duty with respect to the common area, and the county;

(3) Provide that a person, other than the owners from time to time of private lots within the subject area, may not acquire any interest in a common area (other than a common area specifically dedicated to use by the public in general) without prior written approval of the planning commission or other agency or person duly authorized by the county commissioners to give such approval; and

(4) Provide that all covenants are enforceable by:

(i) The administrator hereafter mentioned;

(ii) Any lot owner who has a right or duty with respect to the covenant sought to be enforced; or

(iii) The planning commission or other agency or person duly authorized by the county commissioners, except that the authority of the planning commission is permissive only and the planning commission or other designee of the county has no affirmative duty at any time to enforce any covenant.

(d) Rights and obligations.

A covenant that confers any right upon a lot owner or provides for any charge, assessment, or other duty upon land in the subject area or upon a lot owner shall complement the provisions of the required covenants and shall:

(1) Define the rights that each lot owner has with respect to the subject area, including rights to participate in the selection of an administrator and decisions with respect to the operation and maintenance of the common area;

(2) Specify the nature and extent to which each lot owner has a duty to contribute to the repair, upkeep, or other maintenance of the common area;

(3) Prescribe an equitable means for assessment of the costs and expenses of the repair, upkeep, and other maintenance against land (except common areas and lands owned by the county or other governmental agency) and lot owners within the subject area;

(4) Provide that the amount of any unpaid assessment is to bear interest at a legal rate after the expiration of thirty (30) days from the date of the assessment;

(5) Provide that the assessment and interest are the personal obligation of the person who then owns the land against which the assessment is made and also constitute a lien upon the property of that lot owner; and

(6) Provide that an action may be brought to recover any assessment and interest and/or to enforce the lien in any manner authorized by law, including an action brought in accordance with the Maryland contract lien.

(e) Administrative covenants.

Administrative covenants shall provide for:

(1) The establishment of an association, board, council, or other administrative body, to be selected by the lot owners in an equitable manner; and

(2) The authority and duties of the administrative body with respect to maintaining the subject areas and carrying out and enforcing the covenants.

### **18-1-207 Same—Recording.**

After approval by the Planning Commission, the Planning Director shall:

(1) Deliver the instrument containing the covenants to the recorder of deeds, together with the required fees furnished by the developer, applicant, or other person for whom the covenants were approved; and

(2) Immediately notify such person in writing of the recording.

## **Subpart 7. Enforcement and Penalties**

### **18-1-208 Enforcement and right of entry.**

(a) Enforcement authority—Planning Director.

The Planning Director is hereby authorized and directed to enforce the provisions of this Subtitle.

(b) Right of entry.

The Planning Director, the Deputy Planning Director, the Zoning Administrator, and any employees of the Department designated by the Planning Director, the Deputy Planning Director, or the Zoning Administrator are authorized to enter upon open land in the County for such purposes.

**18-1-209 Affidavits.**

- (a) When authorized.

The Planning Commission, the Board, or the Planning Director may at any time request that any information necessary to any determination to be made under any provision of this Subtitle be submitted under affidavit.

- (b) Form.

The affidavit shall:

(1) Be in writing and signed by the owner or other person from whom the affidavit is requested; and

(2) Contain a written certificate, bearing the signature and official seal of a notary public or other person authorized to administer oaths, that the affiant has personally appeared and stated under the penalties of perjury that the statements contained in the affidavit are true to the best of the affiant's knowledge, information, and belief.

- (c) Use.

The affidavit shall be considered with all other evidence of the matter to which it relates and be a permanent part of that record.

**18-1-210 Civil remedies.**

- (a) Application.

This Section applies to any case in which:

(1) A building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained in violation of this Subtitle; or

(2) A building, structure, sign, or land is used in violation of this Subtitle.

- (b) Remedies.

Upon the occurrence of an event referred to in Subsection (a) of this Section, the County Commissioners, the Planning Commission, or the Planning Director, in addition to other remedies, may institute any appropriate action or proceeding:

(1) To prevent the unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use of a building, structure, sign, or land;

(2) To restrain, correct, or abate a violation;

(3) To prevent the occupancy of a building, structure, or land; or

(4) To prevent any illegal act, conduct, business, or use in or about a building, structure, or land.

**18-1-211 Subdivision Violations.**

**(a) Prohibition.**

Whoever, being the owner or agent of the owner of any land located within a subdivision, transfers or sells or agrees to sell or negotiates to sell any land by reference to or exhibition of or by other use of a plat of a subdivision, before the plat has been approved as provided in this Subtitle and recorded with the recorder of deeds, or does any other act prohibited from time to time by the provisions of 5.05 of Article 66B, Annotated Code of Maryland, shall forfeit and pay a civil penalty for each lot or parcel so transferred, sold, or agreed or negotiated to be sold, as provided from time to time in that section of the Code.

**(b) Scope of section.**

The description of the lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of sale or transfer shall not exempt the transaction from the penalties or from the remedies herein provided.

**(c) Procedures available.**

The County may enjoin the transfer or sale or agreement by action for injunction brought in any court of equity jurisdiction or may recover the penalty by civil action in any court of competent jurisdiction.

**(d) Commentary.**

This Section restates the present provisions of 5.05 of Article 66B, Annotated Code of Maryland and is included here solely to illustrate the full range of enforcement procedures. There is no intention either to enlarge or to limit the authority conferred by the statute.

**18-1-212 Civil zoning violations.**

**(a) Civil penalties.**

(1) A person who commits or assists in the commission of any act enumerated in Subsection (c)(2) of this Section is guilty of a civil zoning violation and subject to an original preset fine, not to exceed \$500, as set forth in parentheses in that subparagraph.

(2) Each day on which the violation continues constitutes a separate violation.

(b) Additional penalties.

A person who does not pay the original preset fine within the time specified in the original citation issued in accordance with Section 18-1-213 of this Subtitle, or fails to file a timely notice of intention to stand trial and does not pay the original preset fine within fifteen (15) days from the date of formal notice of the violation, shall pay an additional fine equal to twice the amount of the original preset fine.

(c) Enumeration of violations.

(1) In this Subsection “building permit” means a building permit required under Subpart 3 of this Part.

(2) The following acts constitute a civil zoning violation:

(i) An act for which a building permit is required, that is done without having made application for such permit as required by this Subtitle (\$500);

(ii) An act for which a building permit is required, that is done after such permit has been issued but has expired by the terms of this Subtitle (\$100);

(iii) An act done on a lot with respect to which a building permit has been issued, that violates or exceeds the authority conferred by that permit (\$500);

(iv) An act that involves the use or occupation of any property for which a building permit has been issued, prior to the time when it has been finally inspected and approved by the Planning Director as required by this Subtitle (\$400);

(v) An act that violates any express covenant or condition of any approval given by the Planning Commission, the Board, or the Planning Director under this Subtitle or any prior ordinance relating to issuance of building permits, zoning permits, occupancy permits, conditional use approval, site plan and subdivision approval, and all applicable performance standards required in this Subtitle (\$500);

(vi) An act that constitutes a continuance of a nonconforming use or structure after the time when this Subtitle requires that such use be terminated or discontinued (\$250);

(vii) An act that constitutes the changing, moving, enlarging, expanding, extending, or modifying of any nonconforming use or structure in a manner not authorized by this Subtitle (\$250);

(viii) An act for which a conditional use permit is required, including but not limited to any forestry use requiring a conditional use permit, that is done without having made application for or obtaining such permit as required by this Subtitle (\$500);

(ix) An act for which a zoning certificate is required (including for signs and banners), that is done without having made application for such permit or that violates or exceeds the authority conferred by that permit (\$50); and

(x) Any act not referred to in this paragraph that involves the use of property in any manner that is prohibited by this Subtitle (\$100).

**18-1-213 Collection of Civil Penalties.**

**(a) Manner of collection.**

The procedure for the issuance of citations, collection of fines, and trial with respect to disputed or unsatisfied citations shall be that prescribed in 7.07(c) of Article 66B of the Annotated Code of Maryland.

**(b) Duty of local officials.**

(1) The Planning Director, the Deputy Planning Director, the Zoning Administrator, or an employee of the Department of Planning and Zoning designated by the Planning Director, the Deputy Planning Director, or the Zoning Administrator has the authority to issue an original citation and deliver it to a person believed to be committing a civil zoning violation and are hereby declared to be the zoning officials with the duty of enforcing this Subtitle for that purpose. A copy of each original citation shall be given to the County Commissioners and the County Finance Director.

(2) The Finance Director is hereby declared to be the zoning official with the duty of enforcing this Subtitle, with respect to:

(i) Receiving and filing a copy of each original citation and any fines or notices of intention to stand trial;

(ii) mailing formal notices of the violation to persons who do not give notice of intention to stand trial or pay the established fine within the time set in the citation; and

(iii) Notifying the District Court of any notice of intention to stand trial or any request for adjudication when a fine is not paid after the Finance Director has given formal notice thereof.

**(c) Court appearances.**

The person who issued the initial citation and any other members of the Department so directed by the Planning Director shall appear and testify in any trial held with respect to the citation in the District Court.

**(d) County Attorney.**

The County Attorney is authorized to prosecute any civil zoning violation.

**18-1-214 Criminal Misdemeanors.**

**(a) Penalties for violation.**

(1) A person who commits or assists in the commission of any unlawful act referred to in Subsection (c) of this Section is guilty of a misdemeanor and subject to a fine of not less than \$100 or more than \$500 or to imprisonment for not more than ninety (90) days, or to both fine and imprisonment.

(2) Each day on which the violation continues constitutes a separate offense.

**(b) Unlawful acts.**

The conduct described in any item of this Subsection is an unlawful act:

(1) Making a materially false writing in an application for any zoning approval required by this Part VII;

(2) With respect to any other application or procedure required or authorized by this Subtitle, making a materially false writing that the person knows or should reasonably believe will form a significant part of the basis for a decision required to be made by a zoning authority under this Subtitle;

(3) Submitting to a zoning authority, with respect to any determination to be made under this Subtitle, a writing that the person knows or should reasonably believe is a false or incomplete representation of any action taken by any other zoning authority;

(4) Submitting to a zoning authority, with respect to any determination to be made under this Subtitle, any writing that the person knows or should reasonably believe is a false or incomplete representation of the action or findings of any governmental agency whose review or approval is a prerequisite to any action by a zoning authority under this Subtitle;

(5) Recording, in a form other than that approved in accordance with this Subtitle, any plat, covenant, or other instrument required by this Subtitle to be recorded among the land records of the County;

(6) Willfully constructing or improving any on-site or off-site improvement required by this Subtitle with materials or to a standard less than that required by the provisions of this Subtitle or of any approval given under this Subtitle;

(7) Making any willfully false statement with respect to any guarantee required by this Subtitle or any release of any such guarantee;

(8) Willfully providing any false or incorrect information to a zoning authority in connection with a determination of whether any use is a nonconforming use as defined in this Subtitle;