Subdivision And Land Development Regulations

With
Adequate Public Facilities,
Forest Conservation,
Cemetery Preservation and
Scenic Roads

Howard County, Maryland

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ELECTED, APPOINTED AND ADMINISTRATIVE ROSTER

COUNTY EXECUTIVE:	Ken Ulman
COUNTY COUNCIL:	Courtney Watson, Chairperson Mary Kay Sigaty, Vice-Chairperson Calvin Ball Greg Fox Jen Terrasa
PLANNING BOARD:	Linda A. Dombrowski, Chairperson David Grabowski, Vice-Chairperson Tammy J. CitaraManis Paul Yelder Josh Tzuker
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George Howard Building
3430 Courthouse Drive
Ellicott City, MD 21043

Telephone: (410) 313-2350
Fax: (410) 313-3467

AMENDMENTS TO THE HOWARD COUNTY SUBDIVISION AND LAND DEVELOPMENT REGULATIONS		
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Bill No. 29-2005	9/6/05	16.127; 16.128; 16.144; 16.147; 16.156; 16.157
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Bill No. 15-2006	6/7/06	16.132(a)1.iii.a; 16.134(a)1.ii
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Bill No. 69-2007	01/10/08	16.134(a)
Bill No. 3-2008	04/09/08	16.106(a)
Bill No. 24-2008	08/06/08	16.145(b); 16.146(b); 16.147(b); 16.156 Addition of new section - Subtitle 15
Bill No. 39-2008	09/09/08	16.1102(b)(5); 16.1104(c) and new subsection (h) and (i)
Bill No. 62-2008	04/09/09	16.1102(b)(6)
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Case Number	Effective Date	Revised Section
Bill No. 38-2010 DAP	9/7/10	16.1501 new (b); 16.1503 (c)(1)& new (2), (f); 16.1504 (a), (b)
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Bill No. 6-2011	6/8/11	16.128 new (e), (f), (g), new (h)
Bill No. 46-2011	10/1/11	16.1110 (y)(1), (2) & (3)

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Article I.

General

Section 16.100. Short Title.

This Subtitle may be cited as the Subdivision and Land Development Regulations of Howard County, Maryland.

Section 16.101. Legislative Intent.

(a) ***Purpose*:** The purpose of this Subtitle is to promote the health, safety, and general welfare of the residents of the County by:

(1) Assisting orderly, efficient, and integrated development of land

(2) Providing the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the County.

(3) Using land and buildings in ways which avoid traffic congestion and which provide for pedestrian movement.

(4) Guiding public and private policy and action in order to provide infrastructure, including:

(i) Adequate and efficient transportation by a variety of means, including alternatives to the automobile.

(ii) Water systems of adequate size and pressure for water supply and fire protection.

(iii) Sewerage and adequate drainage.

(iv) Schools, parks, playgrounds, recreation, and other public facilities.

(5) Ensuring that land use is consistent with the transportation and the water and sewer elements of the General Plan, Zoning Regulations, and zoning map.

(6) Determining development densities in the County, in conjunction with the zoning map and regulations.

(7) Providing for development and the erection of structures in areas free from danger of flooding, erosion, stream siltation, soil slump, unsuitable sanitary conditions and other hazards.

(8) Preserving the scenic beauty and natural resources of the County, including wetlands, streams, water quality, topography, forests and other vegetation.

(9) Ensuring appropriate development with regard to natural features.

(10) Preserving cultural features and historic sites or structures.

(11) Providing for adequate open space for recreation, light and air and to prevent overcrowding of the land and undue congestion.

(12) Ensuring adequate provisions are made for public fire protection.

(13) Providing uniform procedures and standards for the processing of subdivision plans.

(14) Assisting County officials in securing adequate records of land titles.

Section 16.102. Applicability.

This Subtitle shall apply to all divisions of land and all development of land situated within Howard County, with the following exceptions:

(a) ***Comprehensive Development***: This Subtitle shall not apply where it is inconsistent with the Zoning Regulations concerning comprehensive development in areas zoned New Town, Planned Golf Course Community, Mixed Use, or other Planned Unit Development.

(b) ***Rights-of-Way or Land Acquisition or Disposition:*** The provisions of this Subtitle do not apply to parcel or lot line changes occurring as a result of highway, road, street, utility or other improvements which require acquisition or disposition of right-of-way or land by a public agency or a corporation regulated by the Public Service Commission, provided that any remaining lots shall be consistent with the Zoning Regulations.

(c) ***Minor Subdivisions and Resubdivisions:***

(1) *Exempt from sketch and preliminary plan:* Provided that the proposed subdivision does not involve public road improvements, a minor subdivision is exempt from the sketch plan and preliminary plan procedures of this Subtitle. Initial submissions of minor subdivisions may be at the final plan stage.

(2) *Plat to cover entire parcel:* Submissions shall cover the entire parcel being subdivided, except for agricultural preservation subdivisions or parcels of 50 acres or more that have not been previously included on a recorded plat.

(3) *Zoning:* The Department of Planning and Zoning may permit minor subdivisions or resubdivisions which are not in accordance with the minimum lot size requirements of the Zoning Regulations if:

(i) The minor subdivision or resubdivision improves the compliance of existing lots that do not meet current zoning bulk regulations by bringing the noncomplying lots as close to zoning compliance as possible; and

(ii) The remainder of the parcel after the minor subdivision or resubdivision is in accordance with the Zoning Regulations.

(d) ***Resubdivisions Exempt From Sketch and Preliminary Plan:***

(1) Resubdivision plan approval is required in order to modify a previously recorded plat for residential and non-residential properties by adding or deleting lots or modifying lot lines. A resubdivision is exempt from the sketch plan and preliminary plan procedures of this Subtitle if:

(i) there are no public road improvements required; and

(ii) there is no addition to the area previously recorded, except for the inclusion of deeded acreage which only provides the site with access or public road frontage.

Initial submissions of such resubdivisions may be at the final plan stage.

(2) Resubdivision lots shall be renumbered using the next highest unrecorded lot number in the subdivision.

(e) ***Agricultural Preservation Subdivisions Exempt from Sketch and Preliminary Plan:*** Parcels in the agricultural preservation program which are eligible for subdivision are not required to submit a sketch plan or preliminary plan. The initial submission may be a final plan.

(f) ***Merger of Non-Residential Parcels:*** Where two or more non-residential parcels that have not been part of a previously recorded subdivision are to be merged and interior lot lines are to be eliminated, neither a sketch plan nor a preliminary plan is required as long as no public road improvements are required. The initial submission may be a final plan.

(g) ***Multifamily Development:*** Existing parcels planned for multifamily dwellings are exempt from the subdivision submission requirements of this Subtitle, if no additional lots are created and no public road improvements and no right-of-way dedication is required. Such projects are subject to the site development plan requirements and all other requirements of this Subtitle.

(h) ***Pending Subdivisions and Developments:*** Except as otherwise provided by law, if the processing requirements of Sections 16.144, 16.147, and 16.156 of this Subtitle are met, plans which have reached the following stages in the approval process prior to the effective date of this Subtitle shall continue to be processed in accordance with the regulations which were in effect at the time of plan approval:

(1) Preliminary Plan original signature or Preliminary Equivalent Sketch Plan original signature approval;

(2) Final Plan approval letter for minor subdivisions and resubdivisions; or

(3) Site Development Plan original signature approval.

If the approved plans fail to meet the processing requirements, the plans shall be resubmitted pursuant to this Subtitle. Plan changes that alter the limits of submission or the limits of disturbance shall also be processed pursuant to this Subtitle.

(i) ***Cemetery Preservation***:

(1) *Time limits on Planning and Zoning extended:* The time limit requirements imposed on the Department of Planning and Zoning for approval/denial of a submitted sketch plan or preliminary equivalent sketch plan, preliminary plan, or final plan, pursuant to Section 16.144 of this Subtitle, and for approval/denial of a site development plan pursuant to Section 16.156 of this Subtitle, shall be extended to allow for compliance with the public meeting, recommendation and final decision-making requirements of Subtitle 13 of this title, "Cemetery Preservation."

(2) *Milestones stayed:* If a cemetery boundary documentation and accommodation plan is required to be submitted for the first time after the approval of a sketch plan or a preliminary equivalent sketch plan, pursuant to Subtitle 13 of this title, "Cemetery Preservation," then any milestone imposed, pursuant to Section 16.144 of this Subtitle, requiring the submission of a preliminary plan or a final plan, shall be stayed from the time of the submission of the cemetery boundary documentation and accommodation plan to the time of the decision by the Department of Planning and Zoning of that plan.

Section 16.103. Administration.

(a) ***Provide Information to All Parties:*** The Department of Planning and Zoning shall keep all parties to a proposed subdivision or development advised in writing of the Department's recommendations and actions.

(b) ***Department of Planning and Zoning Responsible for Final Action:*** The Department of Planning and Zoning is responsible for the final approval or disapproval of proposed subdivisions and site developments. In making its decision on a subdivision or site development plan the Department shall consider the reports and recommendations of the review committee and other appropriate agencies to which it has sent the plan for comment and recommendation.

(c) ***Plans Approved if They Comply With Requirements:*** The Department of Planning and Zoning shall approve a subdivision or site development plan which:

(1) Complies with the requirements of this Title and the provisions of Subtitle 11, “Adequate Public Facilities”; Subtitle 12, “Forest Conservation,”; and Subtitle 13, “Cemetery Preservation,” of this Title; and

(2) Is consistent with the Zoning Regulations.

(d) ***Plans Approved if No Action Within Prescribed Time Limitations:*** If the Department does not act on a subdivision plan or site development plan within the time limits of this Subtitle, the plan shall have automatic approval.

(e) ***Types of Final Action:*** Final action by the Department of Planning and Zoning on a subdivision or site development submittal shall be:

(1) Approval;

(2) Approval with required modification; or

(3) Denial.

(f) ***Financial Obligations for Required Improvements; Developer's Agreement:*** Upon approval of a subdivision or site development plan, the developer shall post financial obligations for the required public improvements. A developer's agreement and a major facilities agreement, if required, shall be executed between the developer and the County prior to recording of the record plat or signature approval of the site development plan. The agreement may provide that the developer may be partially released from the surety requirements of the agreement upon partial completion of the work in accordance with the criteria established by the Department of Public Works.

(g) ***Conflict With Other Regulations:*** If a provision of this Subtitle overlaps or contradicts another law covering the same subject matter, the provision which is more restrictive or imposes higher standards or requirements shall govern.

(h) ***Lots in a Proposed Subdivision May Not Be Sold:*** The owner or agent of an owner of a proposed subdivision shall not transfer or sell any proposed lots within the subdivision before it has received final plat approval and been recorded or filed in the office of the Clerk of the Circuit Court for Howard County. The description of a lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from this prohibition. Violations shall be enforced pursuant to Section 16.106 of this Subtitle.

(i) ***Building and Other Permits:***

(1) The Department of Planning and Zoning shall not endorse a building permit in any subdivision or development until and unless the requirements of these regulations have been met.

(2) If a site development plan is required by these subdivision regulations, no permit shall be issued for the construction, alteration, or use of a structure or lot unless:

(i) Signature approval of the site development plan original is complete; and

(ii) The permit is in accordance with the approved site development plan.

(j) ***Correction Plats:*** The Department of Planning and Zoning may administratively approve corrections or revisions to previously recorded plats which do not change the number of lots or the lotting plan. The addition or modification of any public or private easements must be processed as a correction plat and recorded in the land records of Howard County, with the exception of revertible easements and easements for on-site sewage disposal systems.

(k) ***Fees:*** Fees for the processing of plans pursuant to this Subtitle shall be established by the County Council with recommendations from the Department of Planning and Zoning. The Department of Planning and Zoning may refund any portion of fees if the Director determines an error was made in collecting the fee.

Section 16.104. Waivers.

(a) ***Authority To Grant:*** So that substantial justice may be done and the public interest secured, the Department of Planning and Zoning may grant waivers of the requirements of this Subtitle in situations where the Department finds that extraordinary hardships or practical difficulties may result from strict compliance with this Subtitle or determines that the purposes of this Subtitle may be served to a greater extent by an alternative proposal.

(b) ***Conditions Under Which Waiver May Be Granted:*** The Department of Planning and Zoning may approve a waiver to a provision of this Subtitle provided that:

(1) The developer has presented a petition demonstrating the desirability of a waiver. If the County requests additional justifying information, the information must be submitted within 45 days of the Department's letter of request. If the information is not submitted by the deadline, the Department shall deny the petition.

(2) The waiver shall not have the effect of nullifying the intent and purpose of this Subtitle;

(3) Within 30 days of the date of the Department's decision letter regarding a Waiver Petition, the developer may submit additional information to support a request for the Department to:

(i) modify any approval conditions;

(ii) reverse the Department's denial; or

(iii) add or delete specific waiver requests.

(4) After 30 days, requests for reconsideration will require a new petition for a waiver and payment of fees in accordance with the adopted fee schedule.

(5) Any waiver to the minimum requirements of this Subtitle in regard to a particular subdivision or development shall be appropriately noted on the final plat or site plan.

(c) ***Period of Validity:*** The Waiver Petition, if approved, will remain valid for 12 months from the date of approval or as long as a subdivision or site development plan is being actively processed in accordance with the processing provisions of Section 16.144 of this Subtitle. Subdivisions or site developments which fail to meet the processing requirements will be required to submit a new waiver request. Waivers granted to extend time limits for plan processing will remain valid for the time duration specified.

Section 16.105. Appeals.

(a) ***Appeal to Board of Appeals:*** A person aggrieved by an order of the Department of Planning and Zoning may, within 30 days of the issuance of the order, appeal the decision to the Board of Appeals.

(b) ***Appeal to Circuit Court:*** The decision of the Board of Appeals may be appealed to the Circuit Court for Howard County in accordance with Section 501 of the Howard County Charter.

Section 16.106. Enforcement.

(a) ***In Violation of Approved Plan or Failure to have Approved Plan:*** If property is developed, used, or maintained in violation of or without obtaining an approved final plan or site development plan, the County shall institute appropriate action to compel compliance. In addition to and concurrent with all other remedies, the County may enforce the provisions of an approved final plan or site development plan with civil penalties pursuant to the provisions of Title 24, "Civil Penalties," of this Code and Subtitle 16 of this Title. A violation shall be a Class B offense under Title 24 of this Code or an offense subject to a fine in the amount set forth in Section 16.1608 of this Title.

(b) ***Transferring Land Prior to Subdivision Plan Approval:***

(1) The County may enforce the provision which prohibits the transfer or sale of lots in a proposed subdivision before final plat approval and recordation with civil penalties pursuant to the provisions of Title 24, "Civil Penalties," of this Code. A violation shall be a Class A offense.

(2) The County may enjoin such a transfer or sale by action for injunction brought in any court of equity jurisdiction.

(3) In addition to the foregoing the County may institute and maintain a civil action to set aside and invalidate any conveyance made in violation of the prohibition on transferring lots in an unapproved or unrecorded subdivision.

(c) ***Vacating of Plat:*** The County may vacate a recorded plat when a developer fails to comply with the requirements of an executed developer's agreement and the value of the surety is insufficient for the County to complete the required public improvements if the following provisions apply:

(1) No lots have been sold; and

(2) The current owner is unwilling to make the surety sufficient or to restrict sale of lots until the surety is made sufficient.

(d) ***County Shall Take Whatever Action Necessary:*** Nothing in this Section shall prohibit the County's taking whatever action is necessary to enforce the provisions of this Subtitle and to protect the public health, safety and welfare.

Section 16.107. Severability.

If any portion of this Subtitle is held invalid or unconstitutional by a court of competent jurisdiction, that portion shall be deemed a separate, distinct and independent provision; and the holding shall not affect the validity of the remaining portions of the Subtitle.

Section 16.108. Rules of Construction; Definitions.

(a) ***Rules of Construction:*** The following rules apply to the text of this Subtitle:

(1) The particular shall control the general.

(2) In case of any difference of meaning or implication between the text of this Subtitle and any caption, illustration, summary table, or illustrative table, the text shall control.

(3) The word “shall” is always mandatory and not discretionary. The word “may” is permissive.

(4) Words used in the present tense shall include the future; words used in the singular number shall include the plural; words used in the plural number shall include the singular.

(5) A “building” or “structure” includes any part thereof.

(6) The phrase “used for” includes “arranged for,” “designed for,” “intended for,” “maintained for,” or “occupied for.”

(7) The word “person” includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.

(8) Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and," "or," or "either ... or," the conjunction shall be interpreted as follows:

(i) "and" indicates that all the connected items, conditions, provisions, or events shall apply;

(ii) "or" indicates that the connected items, conditions, provisions, or events may apply separately or in any combination; and

(iii) "either ... or" indicates that the connected items, conditions, provisions, or events shall apply separately but not in combination.

(9) The word "includes" shall not limit a term to the specified examples, but is intended to extend its meaning to all other instances or circumstances of like kind or character.

(10) All terms defined in Subtitles 11 and 12 of this Title, in the County Zoning Regulations and the Design Manual where occurring in this Subtitle, shall have the meanings specified in those regulations.

(11) The word "County" means Howard County, Maryland. The word "State" means the State of Maryland. The term "county boundary" means any exterior boundary of the County.

(12) The terms "County Council," "County Executive," "Board of Appeals," "Director of Planning and Zoning," "Planning Board," "County Solicitor," "Director of Public Works," "Director of Fire and Rescue Services," "Director of Recreation and Parks," "Department of Education," and "County Health Officer" mean the respective council, boards and officers of the County.

(13) Throughout these regulations, all words, other than the terms specifically defined above and below, shall have the meaning implied by their context in these regulations or their ordinarily accepted definitions.

(b) ***Definitions:*** As used in these regulations, the following terms shall be defined as follows:

(1) *Active processing time:* The period of time after formal application for approval of a sketch plan, preliminary equivalent sketch plan, preliminary plan, final plan and plat, or site development plan during which the County is required to determine whether or not the development or subdivision plan or plat and attendant documents conform to County regulations. If a reviewing agency makes a written request to the developer for additional data or information, the time between issuance of the request and receipt of the reply is not part of the active processing time.

(1.1) *Adjoining property:* Land which is touching or would be touching in the absence of an intervening utility or road right-of-way, other than a principal arterial highway, shall be considered adjoining for purposes of this Subtitle.

(2) *Agricultural preservation subdivisions:* Subdivisions of land in the County or State agricultural preservation programs, for which an agricultural preservation easement has been acquired pursuant to Title 15, Subtitles 5 and 6 of the Howard County Code and Title 2, Subtitle 5 of the Agricultural Article of the Annotated Code of Maryland.

(3) *Application, formal:* An application is formal when the Department of Planning and Zoning determines that the required number of plans and attendant documents have been submitted in the form required by these regulations and the appropriate fees have been paid.

(4) *Area, gross:* The entire area within a subdivision plan or plat or development project.

(6) *Building development:* The improvement of land by the addition of structures.

(7) *Building envelope:* The area of a lot in which the principal buildings shall be located. The envelope is formed by the building restriction lines.

(8) *Building restriction line:* Lines established on lots to indicate the setbacks required by the Zoning Regulations for the zoning district in which the lot is located or the setbacks required by Section 16.120 of this Subtitle, if more restrictive.

(8.1) *Bulk Parcel*: Bulk parcels may be recorded to permit a developer to stage subdivision or when project phasing is necessary because tentative housing allocations are not available. The bulk parcel must be resubdivided or developed in accordance with the pre-established phasing plan and may initially be buildable or non-buildable depending on whether one housing unit allocation has been granted for the parcel.

(9) *Capital budget:* The plan of the County, approved in the annual budget and appropriation ordinance, to receive and expend funds for capital projects during the first fiscal year included in the capital program.

(10) *Capital program:* An annual document approved by resolution of the County Council indicating planned County capital projects authorized for the current fiscal year and for the following 5 fiscal years.

(12) *Dedication:* The offering for conveyance of land or public improvements for any general and public uses, reserving to the owner no other rights than those of the general public.

(13) *Design Manual:* Howard County's technical standards, approved by resolution of the County Council, for design, construction and inspection of bridges, roads, storm drain structures, storm water management systems, sidewalks, walkways, pathways, trails, parking areas, traffic-control devices, water and sewer facilities, and other improvements.

(14) *Developer:* An individual, partnership, public agency or corporation (or their agent) that undertakes the responsibility for any or all of the activities covered by this Subtitle, particularly the designing of a subdivision or site development plat or plan showing the layout of the land and the required public improvements. The term “developer” is intended to include the term “subdivider” even though the personnel involved in successive stages of the project may vary.

(15) *Develop; development:* The establishment of a principal use on a site; a change in a principal use of a site; or the improvement or alteration of a site by the construction, enlargement, or relocation of a structure; the provision of storm water management or roads; the grading of existing topography; the clearing or grubbing of existing vegetation; or any other non-farming activity that results in a change in existing site conditions.

(17) *Developer's agreement:* An agreement between the County and the developer, covering the developer's financial obligations for all required public improvements relating to the subdivision.

(18.A) *Driveway:* A privately owned and maintained road which provides direct vehicular access from a public or private road to one or more lots or parcels.

(20) *Final plat:* The official record of a division of land approved by the Department of Planning and Zoning and recorded in the land records of Howard County.

(21) *Final subdivision plan:* A final plat and supporting detailed plans and data demonstrating that all technical requirements of the County's regulations have been met.

(22) *Fire lane:* A lane within a road or a separate driveway to provide adequate emergency vehicle access.

(23) *Floodplain:* That area which would be inundated by storm water run-off equivalent to that which would occur from a rainfall of 100-year frequency, assuming total development of the watershed as shown in the General Plan of the County. Floodplain determination shall be in accordance with the Design Manual.

(24) *Frontage:* That portion of a lot or parcel of land which adjoins a public road that provides vehicular access to the property.

(25) *General Plan:* A plan for the County, approved by ordinance of the County Council, which includes, but is not limited to a plan for land use and land conservation and multiyear plans for transportation, public facilities, water,

sewerage, parkland, housing, human services, historic preservation and environmental protection.

(27) *Government action:* The action or inaction of a governmental agency in relation to a timely filed action by a developer. "Governmental agency" means an agency of the Federal, State, or local government, including, but not limited to, the U.S. Corps of Engineers, the Maryland Department of the Environment, the County Council, the Zoning Board, and the Board of Appeals.

(28) *Health authority:* The Health Officer of Howard County or the officer's duly authorized representative.

(28.1) *Initial Plan Submittal*: For required pre-submission community meetings, the initial plan submittal is the:

(i) Zoning petition, if it includes a Site Plan or a Preliminary Development Plan;
(ii) Conditional use petition, if required;
(iii) Sketch Plan or Preliminary Equivalent Sketch Plan for a major subdivision;
(iv) Final Plan for a minor subdivision or resubdivision; or
(v) Site Development Plan for single family units on deeded parcels, or for condominium or rental units on a parcel which is not part of a recorded subdivision that authorized an equal or greater number of residential units than proposed on the Site Development Plan.

(29) *Landscape edge:* The area around the perimeter of a development designated for buffer or screen plantings in accordance with the Landscape Manual.

(30) *Lot or parcel:* A piece of land described in a final plat or deed and recorded in the land records of Howard County in accordance with the laws and regulations in effect at the time of recordation.

(30.1) *Major Subdivision:* The division of a residential or agricultural parcel into 5 or more residential lots, including buildable preservation parcels, but excluding open space and non-buildable preservation parcels.

(31) *Maryland Coordinate System:* A system of plan rectangular coordinates established for defining and stating the position or location of points on the surface of the earth within the State of Maryland.

(32) *Minor subdivision:* The division of a residential or agricultural parcel that has not been part of a previously recorded subdivision, into 4 or fewer residential lots (including buildable preservation parcels but excluding open space and non-buildable preservation parcels), either all at one time or lot by lot.

(32.1) *Net Area:* The “gross area” minus all steep slopes existing at the time of subdivision and the area within the 100-year floodplain.

(33) *Open space:* A separate lot or area which provides for protection of the environment, for recreation or for public use, including: public facilities such as schools, libraries, fire stations and parks as shown on the General Plan or hiking, biking, and equestrian trails.

(34) *Owner:* The person or other legal entity holding current legal title.

(35) *Parcel number:* A descriptive term used to identify portions of land contained in the tax maps of Howard County.

(36) *Pathway; walkway:* As distinguished from a sidewalk and crosswalk which are incorporated in a street right-of-way, a pathway or walkway is a paved path within a 10-foot pedestrian right-of-way, usually extending from a street to another street, or to a school site, open space, or other public or general use area.

(37) *Pavement:* That portion of a street or walkway surfaced for vehicular or pedestrian traffic and constructed according to the Design Manual.

(38) *Phased subdivision:* A subdivision utilizing sequential development by sections pursuant to a sketch plan for the entire subdivision which includes a schedule for submission of plans for the various sections and a schedule for completion of these sections.

(39) *Pipestem lot:* A residential lot that is shaped like a pipe or flag, and is separated from the nearest road by another lot, except for an unbuildable strip of land 50 feet or less in width.

(40) *Preliminary equivalent sketch plan:* A sketch plan which also provides the information required with a preliminary plan.

(41) *Preliminary plan:* The preliminary engineered drawings and supplementary material that indicate how the proposed layout of the subdivision will meet the technical requirements of the County regulations.

(41.1) *Preservation parcel:* A parcel in the RC or RR zoning district that encompasses all or a portion of the preserved area of a cluster subdivision or receiving subdivision, or that is designated as a sending parcel on a final plat of easement. A preservation parcel is encumbered by a preservation parcel easement and may be buildable or non-buildable depending on whether one of the housing units permitted by zoning will be located on the parcel.

(41.2) *Preservation parcel easement:* A permanent easement that prohibits a preservation parcel from subdivision and most types of development, as specified in the requirements for the RC and RR zoning districts.

(42) *Public:* Open to common use, whether or not public ownership is involved.

(43) *Public improvements:* Public improvements include all the infrastructure and improvements which this Subtitle requires a developer to install in a subdivision or land development.

(44) *Recorded subdivision:* A subdivision which has been recorded pursuant to:

(i) Approval by the Howard County Planning Commission prior to March 12, 1969;

(ii) Approval by the Department of Planning and Zoning on or after March 12, 1969; or

(iii) A plat recorded prior to the requirement for County approval, including, but not limited to, North Laurel Park, Harwood Park, Lennox Park, The Cedars, Villa Heights, High Ridge Park, and Nordau.

(44.1) *Residential infill:* A residential development in the area planned for both water and sewer service that creates one or more units on a property that adjoins an existing residential unit.

(45) *Reservation; reserve:* The identification and setting aside of an area of land on a subdivision or site development plan for future condemnation or acquisition for public use, which subjects the land reserved to use limitations for a specified period of time. Such land may be designated on the General Plan or in the County or State capital improvement program or the State highway needs inventory.

(46) *Resubdivision:* A further division or modification of an existing subdivision previously approved by the County and recorded in the Howard County Land Record Office.

(47) *Review committee:* An advisory group to the Department of Planning and Zoning, organized to coordinate the subdivision and site development plan review process. The group shall include, but not be limited to, representatives of the following agencies:

(i) Department of Public Works;

(ii) Health Department;

(iii) Department of Education;

(iv) Department of Recreation and Parks;

(v) Department of Fire and Rescue Services;

(vi) Department of Inspections, Licenses and Permits;

(vii) Soil Conservation District; and

(viii) Maryland State Highway Administration.

(48) *Scenic road:* A public road or road segment that is included in the scenic roads inventory adopted by the County Council in accordance with Section 16.1403 of this Code.

(49) *Right-of-way:* A strip or parcel of land designated for use as a street, highway, driveway, alley, or walkway or for any drainage or public utility purpose or other similar uses.

(50) *Sidewalk:* A paved walk primarily for pedestrian traffic, normally placed parallel to a street or highway and within the street right-of-way.

(51) *Sight distance:* Visual distance along a road or across an intersection, more specifically described in the Design Manual.

(52) *Site development plan:* The plan indicating the location of existing and proposed buildings, structures, paved areas, walkways, existing and proposed grades, vegetative cover, landscaping, and screening within a lot or parcel proposed for development.

(53) *Sketch plan:* A sketch indicating the developer's general objectives and lay-out for development of the land. The basic role of the sketch plan is to allow the County to provide the developer with important information that may affect the project and to ensure that the plan complies with Zoning Regulations and incorporates good planning and development principles.

(54) *Soil map:* A map showing soil map symbols and outlines of soil types. (U.S.D.A.--1968 and subsequent amendments)

(55) *Steep slope:* A slope that averages 25 percent or greater over 10 vertical feet.

(56) *Stormwater management:*

(i) *Quantity control:* A system of vegetative, structural, and other measures that control the increased volume and rate of surface runoff caused by development.

(ii) *Quality control:* A system of vegetative, structural and other measures that reduce or eliminate pollutants that might otherwise be carried by surface runoff from development.

(57) *Stormwater management plan:* A set of drawings or other documents, submitted as a prerequisite to obtaining stormwater management approval, which contain all of the information and specifications required by the Department of Public Works.

(58) *Stream:* Water, flowing in a definite direction in a channel with a bed and banks, and having a substantial degree of permanence, although flow may vary and in times of drought may cease to flow for a period of time. Includes perennial or intermittent streams, but does not include ditches or gullies resulting entirely from pipe outfalls or other man made features. Streams usually are shown on the 1" = 200' topographic maps of Howard County produced by Howard County or the Soil Survey of Howard County, Maryland, but field verification is necessary.

(59) *Street, highway, road:* A facility providing for vehicular traffic. The Howard County General Plan designates highways which perform an arterial or collector function.

(60) *Subdivision:* Any division of a lot or parcel of land into lots or parcels for the immediate or future transfer of ownership, sale, lease or building development. The term includes lot mergers and resubdivision and, when appropriate to the context, shall relate to the process of subdivision or to the land subdivided.

(61) *Traffic-control devices:* Signs, signals, markings, and other devices prescribed to regulate, guide, or warn traffic.

(62) *Trails:* As distinguished from a walkway and pathway which are paved, a natural path within a minimum 10-foot hiking/biking/equestrian right-of-way, intended to be open for common use.

(63) *Wetland:* Any land which has been determined by the Army Corps of Engineers or the Maryland Department of the Environment to be a regulated or jurisdictional wetland, as well as any land determined by the Soil Conservation District to be regulated wetlands using Federal and State standards.

Section 16.109. Maps; Coordinates; Elevations, etc.

(a) ***Coordinates Using Maryland Coordinate System:*** Coordinates for the outline of the subdivision or site development shall be established in the meridian of the Maryland Coordinate System, if control points and published information are within 1 mile of proposed subdivision. If not, the Department of Public Works will provide geodetic control. A note shall be placed on the vicinity map indicating the source of Maryland Coordinate Data.

(b) ***Elevations:*** Elevation shown on preliminary and site development plans and on related topographic maps shall be based on current datum in accordance with Department of Public Works standards.

(c) ***Geodetic Control Survey Stations:*** Howard County geodetic control survey stations located on the site to be developed shall be plotted accurately on the site development plan and similar construction documentation. The developer shall identify all those stations which require relocation. The Department of Public Works shall relocate these stations before a building permit is issued.

Sections 16.110--16.113. Reserved.

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Article II.

Design Standards and Requirements

Section 16.114. General.

(a) ***Design Consistent With Subtitle:*** In designing a subdivision or site development plan, the developer shall comply with the requirements of this Subtitle.

(b) ***Consideration Consistent With Subtitle:*** The Department of Planning and Zoning in considering an application for the subdivision or development of land shall be governed by the standards of this Subtitle.

(c) ***Consistent With General Plan and Zoning Regulations and Map:*** The subdivision or site development plan layout shall be consistent with:

(1) The transportation, and the water and sewer elements of the General Plan of the County; and

(2) The Zoning Regulations and map, especially in relation to development densities, the permitted uses of land and the bulk requirements.

(d) ***Reflect Unique Characteristics of Site:*** Subdivisions and site development plans shall reflect the uniqueness of the site responding to its topography, wetlands, streams, forests, historic resources and its relationship to adjoining land uses and roads, both proposed and existing.

Section 16.115. Floodplain Preservation.

(a) ***Development Restricted in 100-Year Floodplain:*** Development within the boundaries of the 100-year floodplain shall be pursuant to Section 16.700 of this Title. Most land within the 100-year floodplain is considered a protection area (i.e., a stream valley or valuable ecological area or scenic resource) which is shown:

(1) In the General Plan of Howard County for conservation status; or

(2) In the master plan of parks for acquisition as a conservation area; or

(3) In the capital improvement program for acquisition as a conservation area.

(b) ***Floodplain Protection:*** In subdivisions and site development plans containing a 100-year floodplain, the floodplain land shall be protected in accordance with one of the following alternatives. Prior to the recordation of the final plat and final acceptance of the construction drawings, a deed description of the floodplain will be provided when requested.

(1) *Deed the floodplain land to the County:* Developers are encouraged to dedicate and deed the land in the 100-year floodplain to Howard County as permanent open space.

(2) *Grant a floodplain easement to Howard County:* If the floodplain is not dedicated to the County, the developer shall grant the County right of entry through a perpetual easement, and shall:

(i) Dedicate and deed the land area within the 100-year floodplain in fee simple to a legally constituted property owners association. The property owners association may use the area in any manner consistent with the maintenance and preservation of the area as a floodplain; or

(ii) Include the 100-year floodplain within the boundary of the lots in accordance with Section 16.120 of this Subtitle. The property owner whose lot includes floodplain area may use the area in any manner consistent with the maintenance and preservation of the area as a floodplain.

(c) ***Prohibitions On Use of Floodplain Land:***

(1) Building materials and other debris shall not be stored or discarded in floodplains.

(2) No clearing, excavating, filling, altering drainage, or impervious paving, may occur on land located in a floodplain unless required or authorized by the Department of Planning and Zoning upon the advice of the Department of Inspections, Licenses and Permits, the Department of Public Works, the Department of Recreation and Parks, the Soil Conservation District, or the Maryland Department of the Environment. Any proposed construction of a structure located within a floodplain shall be subject to the requirements of the Howard County Building Code.

(d) ***Delineation on Final Plats and Site Development Plans:*** Floodplain limits shall be clearly defined, except for agricultural preservation subdivisions and rural cluster subdivisions where the floodplain is obviously not critical to the proposed development as defined by the Design Manual nor critical to calculation of forest conservation obligations. Final plats and site development plans shall show the following information:

(1) Floodplain elevations at every bearing change to be designated along floodplain limits. Elevation shall be designated at not greater than 200-foot horizontal intervals.

(2) Bearings and distances or coordinated values along each line.

(3) The area shall be labeled as "100-year floodplain, drainage, and utility easement."

Section 16.116. Protection of Wetlands, Streams, and Steep Slopes.

(a) ***Streams and Wetlands:***

(1) Grading, removal of vegetative cover and trees, paving, and new structures shall not be permitted within 25 feet of a wetland in any zoning district.

(2) Grading, removal of vegetative cover and trees, paving and new structures shall not be permitted within:

(i) 50 feet of an intermittent streambank;

(ii) 75 feet of a perennial streambank for use I streams as classified by the Maryland Department of the Environment in residential zoning districts and residential and open space land uses in the NT, PGCC, and MXD Districts;

(iii) 100 feet of a perennial streambank for use III and IV streams; and

(iv) 50 feet of a perennial streambank in nonresidential zoning districts.

(3) In residential subdivisions, wetlands, streams, and their buffers shall be located in required open space or a non-buildable preservation parcel rather than on residential lots except as permitted by Section 16.120 of this Subtitle.

(4) Wetlands and the required buffers for wetland and streams shall be delineated on final plats and site development plans with a clear notation of use restrictions. Wetlands need not be delineated for agricultural preservation subdivisions or rural cluster subdivisions if a qualified professional certifies that wetlands and buffers will not be impacted by the proposed lots or potential development.

(b) ***Steep Slopes:*** Steep slopes are slopes that average 25% or greater over 10 vertical feet.

(1) Grading, removal of vegetative cover and trees, new structures, and paving shall not be permitted on land with existing steep slopes, except when:

(i) The on-site and off-site contiguous area of steep slopes is less than 20,000 square feet; and

(ii) There is sufficient area, a minimum of 10 feet, outside of stream and wetland buffers for required sediment and erosion control measures.

(2) In residential subdivisions steep slopes existing at the time of subdivision shall be located in required open space or a non-buildable preservation parcel, except as permitted by Section 16.120 of this Subtitle.

(c) ***Necessary Disturbance:***

(1) Grading, removal of vegetative cover and trees, and paving are not permitted in wetlands, streams, wetland buffers, stream buffers or steep slopes unless the Department of Planning and Zoning determines based on a detailed justification provided by the developer that:

(i) it is necessary for construction of public or private roads, driveways, utilities, trails, pathways, or storm water management facilities which are essential for reasonable development of the property;

(ii) the design minimizes disturbance;

(iii) there is no other reasonable alternative; and

(iv) the cost of an alternative improvement shall not be a factor in deciding whether the criteria in subject (i) above can be met.

(2) Reasonable development, for the purpose of this Subsection, does not guarantee maximum possible development under the Zoning Regulations for density receiving subdivisions in the RC and RR zoning districts. In any zoning district, achieving the maximum possible density is not sufficient justification alone to allow disturbance.

(3) If permitted, the grading, removal of vegetative cover and trees, or construction shall only be to the extent required to accommodate the necessary improvements. In these cases, the Department of Planning and Zoning may require the least damaging designs, such as bridges, bottomless culverts or retaining walls, as well as planting of the areas where grading or removal of vegetative cover has taken place.

Section 16.117. Forest Conservation and Preservation of Natural Cover.

(a) ***Forest Resource Protection****:* Land to be subdivided or developed shall be designed and improved in reasonable conformity to existing topography in order to minimize clearing or alteration of existing plant communities, especially forest areas, and to minimize associated storm water runoff and soil erosion impacts. Where required by Subtitle 12 of this Title, a forest conservation plan shall be submitted.

(b) ***Residential restrictions****:* In residential subdivisions forest conservation easements shall be located in open space or a non-buildable preservation parcel except as permitted in Section 16.120 of this Subtitle.

Section 16.118. Protection of Historic Resources.

(a) ***Historic Resource Identification****:* Historic districts identified on the zoning map and historic sites designated by resolution of the County Council shall be shown on subdivision and site development plans. Human burial grounds shall also be identified by the developer.

(b) ***Guidelines:*** The following guidelines suggest ways to improve project design and do not prohibit either demolition of historic structures or relocation of burial grounds in accordance with State law. This Section applies upon adoption of a list of historic sites and criteria for nomination adopted by council resolution.

(1) Historic buildings, structures and landscape features which are integral to the historic setting should be located on a single lot of suitable size to ensure protection of the historic structure and setting. If demolition is proposed, information explaining this decision shall be provided (structural condition, cost to retain, etc.).

(2) Whenever possible, historic resources should be integrated into the design of the subdivision or site plan. If compatible, new and historic structures may be juxtaposed. Alternately, open space may be used to buffer the historic resources from new development.

(3) Access to the historic property should be via its existing driveway, wherever possible.

(4) The new subdivision road should be sited so that the lot lay-out does not intrude on the historic resources. The road should be oriented so that views of the historic property from the public road are of its primary facade.

(5) Grading, construction and landscaping on the adjacent lots should enhance views to and from the historic property, while buffering views of new development.

(6) Achieving the maximum possible density is not sufficient justification to allow adverse impacts on historic resources.

(c) ***Cemeteries:*** Cemeteries shall be dealt with in accordance with Subtitle 13 of this Title. In any case, no grading or construction shall be permitted within 30 feet of a cemetery boundary or within 10 feet of individual grave sites.

Section 16.119. Highways, Streets, and Roads.

Streets, roads and highways within Howard County shall be located, designed and constructed in accordance with the Howard County Design Manual.

(a) ***General Guidelines:*** In designing a highway, street, or road system, the following guidelines shall apply:

(1) Safe vehicular and pedestrian access shall be provided to all parcels of land.

(2) Highways, streets, and roads shall be suitably located, and adequately improved to accommodate prospective traffic and to afford access for emergency services, road maintenance, and other County services.

(3) Residential streets shall clearly relate to their local function and traffic volumes. Pedestrian-vehicular conflict points shall be minimized.

(4) Land uses which create high volumes of traffic within residential areas shall be considered in the design of the circulation pattern.

(5) Local residential street systems shall be designed to minimize through traffic movement, but at the same time provide reasonably direct access to the primary circulation system.

(6) Local circulation systems and land development patterns shall not conflict with the efficiency of bordering arterial routes.

(7) The street layout shall be continuous in alignment and grade with existing streets, planned or platted, with which they are to connect.

(8) Proposed public streets shall be extended to the boundary lines of the proposed subdivision so that a connection can be made to all adjacent properties. However, if the Department of Planning and Zoning determines after consultation with the review committee that such extension is not desirable due to environmental conditions or is not necessary for the coordination of existing streets or the most advantageous development of adjacent tracts, the Department may require transfer of a fee simple right-of-way to the adjacent property that is sufficient to accommodate a use in common driveway. If the adjacent property owner will not accept fee simple right-of-way transfer, then an access easement of equivalent size shall be recorded.

No subdivision shall be designed so as to create or perpetuate the landlocking of adjacent undeveloped land.

The County Council may by its resolution terminate the extension of an existing street.

(9) The street system layout shall be designed insofar as practicable to preserve natural features such as streams, wetlands, forest, topography, scenic views, and other natural features.

(10) Where required by this Subtitle, the developer shall be responsible for street right-of-way, paving, curbs, gutters, shoulders, sidewalks, ramps, streetlights, street trees, and traffic-control devices.

(11) Street system layout shall provide for the acceptable disposal of storm water to comply with provisions elsewhere in this Subtitle and the Design Manual.

(12) Where topography or other conditions make the inclusion of utilities or drainage facilities within street rights-of-way impractical, perpetual unobstructed easements at least twenty (20) feet in width for such utilities shall be provided across property outside the street right-of-way as determined by the Department of Public Works. Surface drainage easements exclusive of storm drainage outfalls shall be a minimum of ten (10) feet.

(13) Streets which are permanently designed with only one end open to vehicular traffic shall be terminated in accordance with the Design Manual. If the street may be extended in the future and designated as a future extension on the record plat, a temporary T-turnaround shall be provided.

(14) Pedestrian walkways to commercial or institutional uses, schools, or other public facilities such as parks, nearby streets, or transit connections shall be provided where the Department of Planning and Zoning has determined that existing access is inadequate.

(b) ***Streets in Commercial and Industrial Areas:***

(1) Subdivisions shall include a public right-of-way that will provide continuous access to a County or State street or highway.

(2) Streets carrying commercial and industrial traffic, especially truck traffic, shall not normally be extended to the boundaries of adjacent residential areas.

(3) The design of streets, service drives, and pedestrian ways shall provide for safe and hazard-free internal circulation.

(4) Traffic movements in and out of commercial and industrial areas shall not interfere with external traffic, nor shall the movements create hazards to adjacent residential areas. Where required by the Department of Planning and Zoning, adjacent commercial uses shall consolidate entrances, use shared driveways or be interconnected to promote safe traffic movement. In such instances, cross easements are required.

(c) ***Grades:*** Grades of streets shall not exceed the standards of the Design Manual, except that the Department of Planning and Zoning after consultation with the Department of Public Works may permit steeper grades where warranted by unusual topographic conditions or for the purpose of preserving trees or other natural conditions.

(d) ***Alignment:*** Horizontal and vertical alignment for streets shall not exceed the standards of the Design Manual except where permitted by the Department of Planning and Zoning after consultation with the Department of Public Works.

(e) ***Intersections:***

(1) Streets shall be designed to intersect as close to right angles as possible.

(2) Multiple intersections involving junctions of more than 2 streets shall be avoided.

(3) Roadways entering opposite sides of another roadway shall be located in accordance with the Design Manual.

(4) Minimum curb radii and paving radii at street intersections shall adhere to the Design Manual.

(5) The public right-of-way lines on corner lots at an intersection shall be truncated by straight lines joining points 25 feet back from the theoretical property line intersection in each quadrant.

Where the Department of Planning and Zoning, after consultation with the Director of Public Works, determines that more width is necessary to provide safe sight distance or for traffic channelization, it may require a cutoff greater than the 25 feet cited above.

(6) No building, structure, or planting shall be permitted within the public right-of-way, which obstructs the vision of those using the intersection.

(f) ***Access Restrictions:***

(1) Where a proposed subdivision involves frontage on an arterial road, or a residential subdivision fronts a major collector, the street layout should provide vehicular access to the subdivision by a lower classification public road, except as provided in Paragraph (3) of this Subsection.

(2) The statement “Vehicular egress and ingress is restricted” shall be shown with limits on the final subdivision plat to prevent residential, commercial, or industrial driveways from having direct access to arterial highways and residential driveways from access to major collector roads.

(3) For subdivisions and site development plans with no other means of access except from a restricted access road, the Department of Planning and Zoning may approve a single use-in-common driveway that meets the minimum sight distance requirements of the Design Manual or the State Highway Administration's access requirements, if the Department determines that a public road is not required in accordance with Section 16.119(a)(8) of this Subtitle.

(4) For agricultural preservation subdivisions with no other means of access except from a restricted access road, the Department of Planning and Zoning may approve one or more driveway access points, based on justification by the owner and compliance with the Design Manual.

(5) For commercial and industrial properties adjoining a local road serving an existing single-family detached residential area and also having frontage and a State Highway Administration approved, permanent vehicular access point on a state road, the Department of Planning and Zoning shall not approve a vehicular access driveway onto the local road.

(g) ***Rights-of-Way:*** Streets and highways shall require a minimum right-of-way in accordance with the Design Manual or the requirements of the State Highway Administration.

(1) *Provision of rights-of-way for existing County and State roads:*

(i) The owner shall provide the additional right-of-way to meet the minimum requirements when the existing right-of-way is insufficient because:

a. The proposed subdivision or development borders, adjoins or includes an existing County or State road the right-of-way width of which does not conform to minimum right-of-way widths established by the Design Manual or the Maryland State Highway Administration; or

b. The General Plan shows realignment of an existing County or State road that requires use of some of the land in the proposed subdivision or development and direct driveway access is provided to the proposed development.

(ii) For subdivisions, the additional right-of-way shall be dedicated and deeded to the County or State on the recorded plat, unless the Department of Planning and Zoning determines that the traffic impact on an arterial road is minimal, in which case a right-of-way reservation will be required. For site development plans, the right-of-way shall be reserved or may be voluntarily deeded to the County or State prior to signature approval of the original site development plan. A plat will not be required.

(2) *Dedication of rights-of-way for new roads which provide access to subdivisions:*

(i) Where a new County or State road, designated on the General Plan, is located within and will provide direct driveway access to a proposed subdivision, the owner shall provide the right-of-way for the road in the general location indicated on the General Plan.

(ii) The Department of Planning and Zoning, after consultation with the Director of Public Works, or for State roads, the Maryland State Highway Administration, shall determine the right-of-way width, based on the density of development and projected traffic.

(iii) For subdivisions, the right-of-way shall be dedicated and deeded to the County or State with the final plat, when direct driveway access is provided to the proposed subdivision.

(3) *Reservation of rights-of-way for new roads:*

(i) *Requirement to reserve rights-of-way:* Where a proposed County or State road, designated on the General Plan or included in the State highway needs inventory, is located within, but will not provide direct driveway access to a proposed subdivision or is located on a proposed site development plan, the owner shall reserve rights-of-way for the road.

a. Except as provided in subparagraphs (iii), (iv) and (v) of this Paragraph, no permit or approval shall be issued for development or subdivision on any part of the reserved right-of-way, nor shall the area of the reserved right-of-way be used in calculating the residential density allowed by zoning, open space, and forest conservation requirements.

b. Alternately, the additional right-of-way may be voluntarily dedicated to the County or the State, in which case the area of dedicated right-of-way shall be used in calculating residential density and open space requirements. A dedicated right-of-way shall be deeded to the County or the State either on the recorded plat or prior to signature approval of the site development plan.

(ii) *Location and width:* The location and width of the reserved right-of-way shall be determined by the County or the State.

(iii) *Petition for development on right-of-way for County or State road:* If the owner of property which includes a proposed County or State road files a petition for alternative compliance in accordance with Section 16.104 of this Subtitle to allow development or subdivision on any part of the land within the proposed County or State road right-of-way, the Department of Planning and Zoning may grant the petition to issue the permit or approval if:

a. The entire property of the landowner, excluding the proposed County or State road right-of-way, cannot yield a reasonable return to the owner unless the permit or approval is granted; and

b. In balancing the interest of the County to preserve the integrity of the General Plan and the interest of the landowner to the use and benefits of the property, considerations of reasonable justice and equity require granting the request.

(iv) *Requirements if Department of Planning and Zoning approves the petition:* If the Department of Planning and Zoning grants a petition to issue a permit or approval for development or subdivision within a proposed County or State road right-of-way, the Department shall specify details regarding the extent and character of the development or subdivision and may impose reasonable requirements benefiting the County as a condition of granting the petition.

(v) *Requirements regarding reservations:*

a. The period of time for which the right-of-way is reserved shall be specified on the recorded plat, permit, or approval. Written approval of all legal and equitable owners of the property is required for reservations longer than 3 years from the date of recordation of the plat or approval of the development.

b. With the written approval of the Department of Planning and Zoning, the reserved land may be used for agricultural and temporary uses permitted by the Zoning Regulations. The Department of Planning and Zoning may allow any permitted use of the reserved land which it finds will not impair the efficient and economic use of the land for a road.

c. The right-of-way area may be included within the area of lots in a subdivision provided that the right-of-way area is not used to satisfy minimum lot size requirements or other zoning requirements.

(h) ***Rail Service:*** If rail service is proposed for the subdivision, the proposed alignment shall have prior approval by all County, State, and Federal regulatory bodies having jurisdiction before recordation of the final subdivision plat.

Section 16.120. Lot Lay-out

(a) ***Lot Access from Arterial Highways or Major Collector Roads:***

(1) Residential lots, preservation parcels, and bulk parcels shall not derive direct access from arterial highways or major collector roads. Where residential lots, preservation parcels, and bulk parcels abut such roadways, access to the lots shall be in accordance with Section 16.119 of this Subtitle.

(2) Nonresidential lots shall not derive direct access from arterial highways. Where nonresidential lots front on such roadways, access to the lots shall be in accordance with Section 16.119 of this Subtitle.

(b) ***Lot Design:***

(1) *Size, width, depth, etc.:* The size, width, depth, shape, orientation, and yards of lots shall not be less than specified in the Zoning Regulations for the district within which the lots are located and shall be appropriate for the use contemplated, and available public utilities.

(2) *Land for street widening:*

(i) *Minimum lot area:* Land dedicated for street widening shall not be counted in satisfying the minimum lot area requirements of the Zoning Regulations.

(ii) *Special provision for minor subdivisions:* Land dedicated for street widening in a minor subdivision may be counted to satisfy up to 10% of the minimum lot size requirements not to exceed the actual area dedicated, notwithstanding any provisions to the contrary in the Zoning Regulations or in this Subtitle.

(3) *Non-buildable lots:* Lots using private sewerage or a private water system shall meet the requirements of the Maryland State Department of Environment. Lots which do not meet the requirements will be labeled "Non-buildable until approved by the County Health Officer." The creation of any non-buildable lot (excluding non-buildable preservation parcels) must be approved by both the Department of Planning and Zoning and the Health Department.

(4) *Usable design:* Residential lots shall be designed to be usable in terms of:

(i) Regular, generally rectangular lot shape;

(ii) Lot dimensions generally not exceeding a 3:1 lot depth to lot width ratio;

(iii) Not being encumbered by environmentally sensitive features:

a. For a lot or buildable preservation parcel 20,000 square feet or greater in size, excluding any pipestem area, steep slopes may be on the lot if located no closer than 35 feet from the building envelope. A deck may project 10 feet beyond the building envelope;

b. For a lot or buildable preservation parcel of 10 acres or greater in size floodplains, wetlands, streams, their buffers, and forest conservation easements for afforestation, reforestation, or retention may be located on the lot or parcel if the building envelope is no closer than 35 feet from these environmental features, provided that a deck may project 10 feet beyond the building envelope;

c. For R-20 infill subdivisions that are restricted in using optional lot sizes under Section 16.121(a) of this Subtitle, steep slopes, floodplains, wetlands, wetlands buffers, streams, and stream buffers may be located on lots, provided that the building envelope is no closer than 35 feet from these environmental features, and provided that a deck may project 10 feet beyond the building envelope; and

d. For condominium units and rental apartments, protected environmental features shall be located in open space with units no closer than 15 feet from the protected features.

(iv) Not being encumbered by access easements for stormwater management facilities or open space; except in accordance with Section 16.121(e) of this Subtitle; and

(v) Drainage

a. The centerline of drainage swales shall be no closer than 15 feet from the rear of a residential dwelling.
b. Drainage inlets, outlets, headwalls, and rip-rap shall not be located within the building envelope on residential lots unless, based on justification prepared by the developer, the Department of Planning and Zoning determines there is no better alternative.

(5) *Excessive noise levels:*

(i) For residential subdivisions or site development plans a noise study may be required in accordance with the Design Manual. The subdivision or site development plan lay-out shall ensure that the noise level in the rear yard does not exceed the standard set in the Design Manual. Where necessary, noise mitigation shall be provided.

(ii) Where residential lots will be impacted by excessive noise levels from an existing or proposed highway or railroad, and a wall or fence is required for noise mitigation, it shall be located in open space and maintained by a homeowner's association, if open space is being created. If open space is not being created, noise walls and fences shall be located on residential lots with cross easements for maintenance to be recorded with the final plat.

(6) *Pipestem residential lots:*

(i) *Limit on adjoining driveway entrances:* Pipestem lots are permitted. Not more than 2 pipestem lots may have adjoining driveway entrances to a public right-of-way, except that additional adjacent pipestem lots may be approved if the Department of Planning and Zoning determines that this design better protects environmental features or yields a better lot lay-out. In such instances a use-in-common driveway must be provided in accordance with the Design Manual.

(ii) *Length of pipestem lot:* The length of the pipestem shall not exceed:

a. 1,500 feet for non-cluster subdivision lots in the RC or RR zoning districts. For cluster subdivisions, the Department of Planning and Zoning may approve a greater pipestem length if this permits lots to be better located with respect to preservation parcels; or
b. 800 feet for lots in all other zoning districts that are served by an individual or use-in-common driveway.

(iii) *Minimum lot area:* Minimum lot area shall not include the area of the pipestem.

(iv) *Front yard setback:* For pipestem lots the front yard setback shall be established in the non-pipestem area to permit best utilization for the lot and greatest privacy to the adjacent lot. The front setback shall be measured as a line parallel to the front lot line.

(v) *S*ubdivision layout:

a. The subdivision lot layout shall pair or cluster pipestem lots whenever possible, so that the units on pipestem lots face each other across the use-in-common driveway.
b. In order to avoid orientation and privacy problems, new homes on pipestem lots shall be oriented side to rear, not front to rear, in relation to adjoining lots that front on a public road.
c. Pipestem lots shall not be created on both sides of a frontage lot in the same subdivision.

(vi) *Driveway setback from project boundary*: The driveways for pipestem lots shall be located at least 10 feet from the project boundary to provide space for required perimeter landscaping to buffer the adjacent property. Where a 10-foot buffer is not possible due to the existing parcel's configuration, drainage, or easement constraints, or is undesirable because future subdivision of the adjoining parcel may require sharing the use-in-common driveway under subsection (C)(2)(IV) of this section, the Department of Planning and Zoning may approve a 5-foot driveway buffer. In such instances, hedge, solid fence, wall, or Type D landscape edge is required, except in the front setback from a public road, where a solid screen would block sight distance.

(7) *Side lot lines:* Side lot lines shall be at right angles or radial to street right-of-way lines unless a variation from this rule will give a better street or lot plan as determined by the Department of Planning and Zoning.

(8) *Abutting two streets:* Lots which abut two streets, other than corner lots, will be permitted only when necessary to avoid fronting lots on non-access roads or where their use resolves special site planning or land use problems.

(9) *Transmission mains and power lines:* Where residential lot lines include or adjoin an easement for certain utilities, additional setbacks are required:

(i) From an underground high-volume and pressure-transmission main or high-tension power line, the lots shall allow a 30-foot minimum distance between the easement and any proposed dwelling units on the lots. Decks are not subject to this requirement.

(ii) From an easement for a public water or sewer line, the lots shall allow the minimum distance between the easement and any proposed dwelling unit on the lots specified in Section 5.4.B.5 of Volume II of the Design Manual. Decks are subject to this requirement.

(10) *Fire access:*

(i) Fire lanes or other approved access ways may be required in the rear of commercial, industrial, townhouse and apartment buildings to assure reasonable fire protection.

(ii) Fire lanes will not be required for townhouses or apartments without elevators if the majority of a building is within 80 feet and its main entrance is within 150 feet of a road or parking lot and there is suitable pedestrian access along the rear or side building lines.

(iii) The Department of Planning and Zoning, shall determine when and where fire lanes are to be required based upon the recommendation of the Director of Fire and Rescue Services.

(11) *Commercial, Industrial and Multifamily Bulk Parcel Subdivisions:* Developers of commercial, industrial and multi-family subdivisions have difficulty predicting the lot design needed by future users. The developer shall follow the requirements of this Subtitle, but shall place primary emphasis on the street layout and on the development's relationship to any adjoining residential area. Bulk parcels to be resubdivided to fit users specifications may be utilized.

Any lots to be created shall provide adequate space for buildings, off-street parking and loading, stormwater management, forest conservation and landscaping to protect adjacent residential areas from potential nuisances that could be created by a commercial, industrial, or multi-family development.

(12) *Multifamily developments:* Off-street parking requirement shall be met within 200 feet or less from the main entrance to an apartment building or the midpoint of a group of single family attached units. Parking shall be distributed as evenly as possible throughout the development to avoid parking shortages in any area.

(c) ***Minimum Frontages:***

(1) *Commercial, industrial or apartment:* All commercial, industrial or apartment lots shall have a minimum frontage of 60 feet on an approved public road which provides access to the property. Lots for individual businesses within a commercial center or industrial development that have shared access and parking may be approved by the Department of Planning and Zoning without public road frontage.

(2) *Single-family detached:* All lots, preservation parcels, or bulk parcels for single-family detached dwellings shall have minimum lot frontages on approved streets within a public right-of-way which provides access to the property as follows:

(i) 20 feet for single pipestem and non-pipestem lots and preservation parcels which cannot be further divided under current zoning;

(ii) Lots or preservation parcels which share access shall have sufficient frontage collectively to meet the driveway easement requirements in the Design Manual;

(iii) Non-pipestem, single pipestem and adjacent pipestem lots which have enough subdivision potential under current zoning to require future provision of a public road shall have sufficient frontage collectively to meet the public road right-of-way requirements in the Design Manual, including future right-of-way truncation. Cross easements for future road construction shall be provided;

(iv) If subdivision lots with access from a use-in-common driveway adjoin a parcel that can be further subdivided under the parcel's current zoning, cross easements shall be recorded that will allow use and, if required by the Design Manual, improvement of the use-in-common driveway by the future adjoining subdivision. Shared use and maintenance of a single use-in-common driveway will be required only if the total development potential of the 2 subdivisions under current zoning will not exceed 6 units;

(v) For pipestem lots and preservation parcels with shared access, an access and maintenance easement for the driveway shall be recorded for the impacted lots and referenced on the final plan. When appropriate, the easement shall indicate that any party to the easement may construct a public road to permit further subdivision;

(vi) It shall be noted on the final subdivision plat that refuse collection, snow removal, and road maintenance for pipestem lots and preservation parcels are provided to the junction of the public road and the pipestem driveway; and

(vii) Frontage on a public road is not required for agricultural preservation subdivisions if the lots being created are provided with an access easement containing an individual or shared driveway meeting the requirements of the Design Manual.

(3) *Single-family semi-detached:* Single-family semi-detached lots shall have a minimum of 15 feet of frontage on a public road.

(4) *Single-family attached:* Single-family attached lots shall have a minimum of 15 feet of frontage on a public road. Single-family attached lots may be approved without public road frontage provided they front on a commonly owned area containing a parking area or private road not exceeding a length of 200 feet measured from the edge of the public right-of-way along the centerline of the private road.

(5) *Non-buildable preservation parcels*: Non-buildable preservation parcels shall have 20 feet of frontage unless the Department of Planning and Zoning determines that a different frontage is needed for the proposed use.

Section 16.121. Public Sites and Open Space.

(a) ***Open Space Requirements:***

(1) *Purpose:* The purpose of open space requirements are:

(i) To properly locate and preserve open space which protects environmental resources and provides for recreation or public use; and

(ii) To equitably apportion costs of providing the sites necessary to serve the additional families brought into the community by subdivisions or developments on the basis of the additional need created.

(2) *Calculated as percentage of gross area of proposed subdivision or site development:* Required open space shall be calculated as the following percentage of the gross area of the proposed subdivision or development. The area of any overhead utility transmission line easements shall be deducted from gross area before calculating the open space requirement.

ZONING DISTRICT		**MINIMUM OPEN SPACE**
RC, RR	Agricultural Preservation Subdivisions	None
	Cluster, DEO or CEO Subdivisions	None
	Non-Cluster Subdivisions	Fee-in-lieu
R-ED		50%
R-20*	All lots 20,000 sq. ft. or greater	6%
	Developments using optional lot size:**	
	Min. Lot size 18,00 sq. ft.	10%
	Min. Lot size 16,00 sq. ft.	20%
	Min. Lot size 14,000 sq. ft.	30%
	Min. Lot size 12,000 sq. ft.	40%
R-12*	All lots 12,000 sq. ft. or greater	8%
	Developments using optional lot size:*	
	Min. Lot size 10,800 sq. ft.	10%
	Min. Lot size 9,600 sq. ft.	20%
	Min. Lot size 8,400 sq. ft.	30%
	Min. Lot size 7,200 sq. ft.	40%
R-SC		25%
R-SA-8		25%
R-A-15		25%
RMH		25%
PEC, NT, MXD, PGCC, PSC		As provided in Zoning Regulations

*Developers in the R-20 and R-12 districts electing to use optional lot size shall select an optional minimum lot size to apply to the entire subdivision. For example, the developer of a 50-acre parcel in the R-20 district may create a subdivision with a minimum lot size of 14,000 square feet if at least 30 percent of the gross parcel area, or 15 acres, is provided as open space.

**R-20 infill subdivisions or resubdivisions creating 10 or fewer lots may not use the optional lot size method unless there are wetland, stream or floodplain areas that the Department of Recreation and Parks wants to be dedicated to the County as open space. The creation of homeowner association open space is not permitted. If dedication to the County is required, R-20 lot sizes may be reduced to 18,000 square feet, exclusive of the pipestem areas.

(3) *Suitability:* Only land which is suitable to achieve the County's open space objectives for environmental protection, recreation and the provision of sites for public use can be used to meet the minimum open space requirements. Suitability is defined as follows:

(i) Open space shall incorporate floodplains, wetlands, streams, wetland and stream buffers, forest conservation easements, and shall be linked with protected environmental land on adjacent property.

(ii) Recreational open space and landscaped squares or areas should be integrated into subdivision design to create focal points along streets and at entrances.

(iii) Parking lot islands, driveway easements serving non-open space uses, overhead utility transmission lines, and narrow strips under 35 feet wide may not count towards minimum open space requirements.

(4) *Recreation open space:* A portion of the open space which is accessible and usable for recreation shall be provided:

(i) All residential subdivisions and site developments with more than 10 dwelling units or more shall have recreation open space, except in the RC and RR zoning districts and except as provided in the New Town, Mixed Use Development, PSC, and PGCC zoning districts;

(ii) Recreation land shall be regular in shape (generally square or rectangular) and suitable for active recreation uses such as tot lots, ball fields, and courts or for passive recreation in formal parks and squares;

(iii) Recreation open space shall not include wetlands or stream buffers, floodplains, forest conservation easements, stormwater management easements, inlets, outfalls, and stormwater management credit areas, or slopes over 10 percent;

(iv) At least 20 feet of the perimeter of the recreation land must front on a public or private road and the recreation area should be centrally located to the lots it serves;

(v) Recreation land should generally be consolidated into a single area, but may be divided for more equitable distribution into two areas if the subdivision contains 50 or more residential lots.

(vi) The following chart indicates the amount of recreation open space required:

PROJECT TYPE	RECREATION REQUIREMENT
Single-Family Detached Units R-20, R-12	200 sq. ft./ unit
Single-Family Detached R-ED, R-SC, R-SA-8, R-A-15	300 sq. ft./ unit
Single-family attached	400 sq. ft./ unit
Apartments	400 sq. ft./unit
R-MH Dwellings	400 sq. ft/unit or as provided in Subsection (vii) below

(vii) Recreational open space may be satisfied in whole or in part in the R-MH district by the construction of amenities including: community center, pool facility, or sports court paved area at a ratio of 10 square feet of floor surface area per dwelling unit.

[CB 50-2002, eff. 12/10/02]

(b) ***Dedication of Required Open Space; In-Lieu Fee Payments:***

(1) At the discretion of the County, all or a portion of the open space area shall be dedicated and deeded without charge to Howard County or to the State of Maryland if adjacent to an existing State park. For condominium or rental unit Site Development Plans, the open space may be transferred to the County by deed rather than a subdivided lot.

(2) The Department of Planning and Zoning may at the Department's discretion require the developer to pay a fee-in-lieu of actual establishment of open space if:

(i) The subdivision does not use the optional lot size provision in the R-20 or R-12 zoning district and the Department of Recreation and Parks has determined that creation of open space is not necessary or desirable;

(ii) The size of the area required for dedication is small (generally under ½ acre) and has no potential for expansion via the subdivision of an adjacent parcel; and

(iii) The open space would have little environmental or recreational purpose.

(3) In-lieu fee payments shall be:

(i) As established in the fee schedule adopted by the County Council; and

(ii) Held in escrow and used by the County for the purpose of acquiring open space land in the general area of the subdivision or development and shall be used for this and no other purpose.

(c) ***Dedication to Homeowners' Association:***

(4) When the Department of Planning and Zoning does not require open space dedication to the County or payment of an in-lieu fee, the developer of a

subdivision shall create an open space lot to convey to an incorporated homeowners' association for the subdivision. The total area of the open space lots shall equal or exceed the total area of open space required for the subdivision.

(5) Concurrent with a recording of the final plat these open space lots shall be conveyed by the developer to an incorporated property owners' association approved and accepted by the State Department of Assessments and Taxation.

(6) The date of acceptance and approval of the articles of incorporation of such property owners by the State Department of Assessments and Taxation shall be noted on the final plat prior to recording.

(7) The Department of Planning and Zoning shall review and approve any documents deemed necessary to ensure that ownership and maintenance of such open space land by a responsible homeowners' association is guaranteed prior to recording of the final plat.

(d) ***Designated Open Area:*** When the County waives dedication of open space and all land within a condominium or rental development is to remain under single ownership, the open space requirement may be satisfied by the designation of an open area on the site development plan. The designated open space area need not be a separate lot, but in all other respects shall conform to open space requirements.

(e) ***Access and Frontage:***

(1) If a public road is being created or an existing public road is available that permits and is viable for direct access, open space lots or areas shall have a minimum of 40 feet of frontage on a public road for access by pedestrians and maintenance vehicles. Open space frontage may be reduced to a minimum of 20 feet if the adjacent side yard setback for one or both abutting lots in combination is increased by the total amount of open space frontage reduction, but only if the abutting lots are a part of the proposed development. For any additional access points provided, frontage may be reduced to 20 feet.

(2) If a subdivision or development project will be accessed exclusively by a use-in-common driveway or a private road, the required open space may be created without public road frontage provided that one of the following applies:

(i) The open space will be owned by a homeowner’s association or a condominium association and all of the residential lots, condominium units, or apartment units will directly adjoin the open space;

(ii) The open space will be owned by the County, all of the residential lots in the subdivision or development project will directly adjoin the open space, and the County has determined that an easement for public access or County maintenance is not needed because a public access point that is adequate to serve the open space already exists;

(iii) If all of the residential lots do not directly adjoin the open space, and the open space will be owned by the County, an access easement shall be established that:

a. has a minimum width of 12 feet;
b. grants the County use of the use-in-common driveway;
c. does not require the County to participate in maintenance of the use-in-common driveway; and
d. accommodates pedestrian access and periodic access for maintenance and emergency vehicles; or

(iv) If all of the residential lots do not directly adjoin the open space, and the open space will be owned by a homeowner's association or a condominium association, an access easement shall be established that:

a. has a minimum width of 12 feet; and
b. accommodates pedestrian access and periodic access for maintenance and emergency vehicles.

(3) Two adjacent open space lots may share the fee simple frontage or access easement described in paragraphs (1) and (2) of this subsection if the Department of Planning and Zoning determines that access will be acceptable for the proposed use of the open space.

(4) Open space access points shall be located so as to be reasonably accessible from all lots within the subdivision.

(5) An asphalt path or markers specified by the Department of Recreation and Parks shall be installed to clearly delineate open space access points. An open space pathway connection to an adjacent school, park, open space, or commercial area may be required.

(f) ***Condition of Open Space Land:*** Open space dedicated to the County shall meet the minimum standards regarding property boundary markers and other requirements set forth in the developer agreement as a condition of the release of the developer's performance bond. Further, where open space has been adversely affected by the developer's operation (by clearing, grading, drainage or construction activities), the developer shall restore it pursuant to a restoration plan approved by the County prior to the release of the performance bond.

(g) ***Acceptance:*** The approval by the Department of Planning and Zoning of a final subdivision plat shall not be deemed to constitute or imply the County's acceptance of any park, recreation, or other public land shown on the plat until such land has been determined to be in an acceptable condition in accordance with Subsection (f) of this Section.

Section 16.122. Reservations of Land for Public Facilities.

(a) ***Land Not Being Dedicated as Open Space:*** When land in a subdivision or development is needed for a County park, school, road, or other public facility which is proposed in the General Plan or in the County's or State's capital program and the land is not being dedicated as open space pursuant to Section 16.121, the County may require that the land be reserved.

(b) ***Reserved at Written Request of Agency Which Requires the Land:*** A reservation shall be required only when the agency charged with the responsibility for the designated use makes a written request to the Department of Planning and Zoning for reservation of the land.

(c) ***Value:*** Acquisition of the reserved land by Howard County, the board of education or other public agency shall be at the unimproved value of the land.

(d) ***Conditions:*** The following conditions apply to land reserved pursuant to this Section:

(1) No reservation shall continue for longer than 3 years from the date of recordation of the plat or approval of the site development plan except with written approval of all legal and equitable owners of the property.

(2) The period of time for which the land is reserved shall be specified on the recorded plat or site development plan.

(3) Upon written approval of the Department of Planning and Zoning the reserved land may be used for agricultural purposes and other temporary uses permitted by the Zoning Regulations.

(4) The reserved land may be included within the area of lots in a subdivision as long as that area is not used to satisfy minimum lot size requirements or other zoning requirements.

Section 16.123. Grading, Soils and Sediment Control.

(a) ***Grading***:

(1) *Prior approval of the Department of Inspections, Licenses and Permits:* No person shall grade, strip, excavate, or fill land, except for farming, without first having obtained approval of the Department of Inspections, Licenses and Permits pursuant to the requirements of Subtitle 4 of Title 3 of this Code.

(2) *Grading in conformity with final subdivision plat or site development plan:* Grading for public roads and all other grading shall be performed under a valid permit issued by the Department of Inspections, Licenses and Permits in accordance with forest conservation, road construction, storm drainage, storm water management, grading, utility, and erosion and sediment control plans

approved as a part of the final subdivision plat required under Section 16.147, "Final Subdivision Plan and Final Plat" of this Subtitle or a site development plan approved under Section 16.154, "Site Development Plan Procedures," of this Subtitle.

(3) *Minimum area to be disturbed:* Prior to approval of the subdivision plat or site development plan, the Department of Planning and Zoning shall consider the comments of the review committee with regard to the extent and nature of the work to be performed. In all cases, the extent of land and land cover disturbance shall be the minimum necessary to accommodate the proposed development and shall conform to any restrictions imposed by an approved forest conservation plan.

(b) ***Soils:*** For all subdivisions and site development plans the developer will be required to submit a copy of the U.S.D.A. Soils Map showing the boundary of the proposed development at the same scale as the plan submitted.

(c) ***Sediment Control:***

(1) The developer shall plan for practical and effective sediment control on the site to prevent off-site damages due to erosion and sedimentation processes which are accelerated by changing vegetation and grades.

(2) Acceptable plans shall include:

(i) Temporary structural and vegetative measures to be used during construction; and

(ii) Permanent structural and vegetative measures, including reforestation and afforestation measures, which will remain on the site upon the completion of final grading and construction activities.

(3) Plans for erosion and sediment control measures shall be prepared in accordance with the requirements of the Howard Soil Conservation District and shall be approved by the Department of Planning and Zoning in consultation with the Soil Conservation District, the Department of Inspections, Licenses and Permits and the Department of Public Works as a part of all development, grading, road construction, utility and site development plans required pursuant to this Subtitle.

Section 16.124. Landscaping.

(a) ***In General:***

(1) *Intent:* The requirements for landscaping and screening are intended to:

(i) Enhance the physical appearance of County development.

(ii) Buffer potentially incompatible land uses.

(iii) Screen undesirable views.

(iv) Improve the environmental performance of new development by reducing stormwater runoff, air pollution, glare, and noise.

(v) Promote energy conservation.

(vi) Prevent damage to and unnecessary removal of vegetation.

(vii) Conserve the value of property and neighborhoods.

(2) *Standards; Landscape Manual:*

(i) *Standards:* Landscaping shall be provided in accordance with the requirements of this Subtitle, the Zoning Regulations, the Howard County Forest Conservation Manual and the Howard County Landscape Manual.

(ii) *Landscape Manual:* The Howard County Landscape Manual is the technical manual used to establish performance standards and guidelines for preparing landscape plans. The manual is prepared by the Department of Planning and Zoning and adopted by resolution of the County Council. The manual shall address, but is not limited to the amount of landscaping materials required, suitable landscaping materials, and alternative means of compliance.

(3) *Landscape Plan Submissions:* A design to fulfill landscaping requirements shall be presented in a landscape plan which shall include sufficient information for the County to determine whether the proposed landscape improvements are in conformance with the requirements of this Section and the manual.

(i) The preliminary or preliminary equivalent sketch plan submissions shall identify schematically the following:

a. required landscape edges and the type of landscape planting for each edge; and
b. intended method of fulfilling obligations (i.e., retention of existing vegetation, planting or other alternative solutions).

(ii) Final plan submissions (except for resubdivision and correction plats which do not increase the number of units) shall include the final landscape plan in the road construction drawings or for minor subdivisions, the supplemental information sheets. Plans shall specify:

a. whether the developer and/or builder will be responsible for installation of specific elements of the overall landscape plan; and which landscaping will be provided as part of the final plan.

(iii) Site development plans shall include a landscape plan unless landscaping requirements were met and surety was posted during subdivision.

(4) *Preparation of landscape plans:* All landscape plans shall be prepared and sealed by a registered landscape architect or other qualified professional as defined in the Landscape Manual.

(b) ***Types of Landscape Planting Requirements:***

(1) *General:*

(i) The type and amount of landscaping required shall be based on the compatibility of the proposed land use with adjacent land uses, including public and private rights-of-way, parking lots, loading areas and residential or nonresidential properties.

(ii) Landscaping requirements shall be met by providing planting as specified in the Landscape Manual. Optional landscape treatments as defined in the Landscape Manual may be substituted in full or in part for the required planting. Optional treatments include preservation of existing forests and trees, use of berms or other land forms, and provision of fences and walls.

(iii) Landscaping requirements may not be met within easements for public water, sewer or stormdrains.

(2) *Perimeter Landscape Edges*:

(i) Landscape edges, pursuant to the requirements of the Landscape Manual, shall be provided in all districts adjacent to public roads and to abutting properties. Required landscaping shall be shown on the final plan or on the site development plan as specified in the Landscape Manual.

(ii) Expansion of existing development that does not currently meet perimeter landscaping requirements shall provide perimeter landscaping in equal proportion to the percentage of the site impacted by the expansion. The area impacted by expansion includes the square foot area of new or expanded buildings and the area of any parking, loading, driveways, or infrastructure necessary to support the additional building area.

(3) *Parking Lot and Loading Area Landscaping:*

(i) Landscaping within new parking lots is required in accordance with the Landscape Manual. Landscaped areas shall divide the parking spaces to relieve the monotony of large expanses of paving and contribute to efficient circulation of traffic. Loading areas shall be screened from adjacent roads and properties.

(ii) Expansions of existing parking lots that do not currently meet landscaping requirements shall provide landscaping in equal proportion to the percentage of the site impacted by the expansion. The area impacted by expansion includes the square foot area of new or expanded buildings and the area of any parking, loading, driveways or infrastructure necessary to support the additional building area.

(iii) Parking lot and loading area landscaping shall be shown on the site development plan.

(4) *Single-family Attached, Apartment and Mobile Home Developments:*

Internal landscaping within new single-family attached, apartment and mobile home projects is required in accordance with the Landscape Manual.

(5) *Stormwater Management Facilities:* Landscaping of the entire perimeter of stormwater management ponds is required in all zoning districts, excluding M-1 and M-2 parcels that are not adjacent to residential zoning districts or public roads, in accordance with the Landscape Manual.

(c) ***Alternative Compliance:*** The Department of Planning and Zoning may approve an alternative to the landscaping requirements of this Title and the Landscape Manual upon determining that the proposal meets the intent of this Subtitle and meets or exceeds the standard requirements. Alternative plans may be approved when unusual topographic constraints, sight restrictions, siting requirements, preservation of existing stands of trees, preservation of specimen trees or when similar conditions prevent strict compliance with the landscape standards.

(d) ***Reforestation and Afforestation***:

(1) Certain forms of landscaping may be used to meet the reforestation or afforestation requirements of the forest conservation plan upon approval of the Department of Planning and Zoning.

(2) The amount of the landscaped area to be credited for forest conservation obligations shall be in accordance with Title 16, Subtitle 12 of the Howard County Code and the standards for landscaping substitutions cited in the Howard County Forest Conservation Manual.

(3) Landscaping used to fulfill forest conservation requirements shall be included in the required construction and post-construction protection and management agreements and shall be in open space, or in areas protected by binding, long-term protective agreements under the same terms that apply to other reforestation or afforestation areas as described in Subtitle 12 of this Title.

(e) ***Street Trees and Right-of-Way Plantings:***

(1) Street trees with a minimum of at least 2.5-inch caliper shall be required in all districts. Street tree plantings shall be provided on new internal roads and on existing roads involving road improvements as described in the Landscape Manual. Existing trees to be preserved in or adjacent to the right-of-way may be approved and may be granted up to 100% credit towards meeting this requirement.

(2) Street trees shall not be counted towards reforestation or afforestation requirements of the forest conservation program. Street trees shall not be counted towards the landscape requirements of Subsection (b) of this Section.

(3) Street trees requirements shall be shown on the final plan or the site development plan if required by the State Highway Administration.

(f) ***Landscape Installation***:

(1) Required landscaping shall be included in the developer's agreement for the subdivision or development; additional surety is required.

(2) When there is no developer’s agreement required for a subdivision or site development plan with landscaping, the grading permit application and surety shall be modified to incorporate landscaping requirements.

(3) All landscaping shown on the approved final plan or site development plan shall be completed in accordance with the approved landscape plan before a release of surety. Prior to such release, the developer shall submit to the County evidence that a 1-year guarantee has been executed.

(g) ***Maintenance:***

(1) The owner, tenant, and their respective agents, if any, shall jointly and severally be responsible for the maintenance of the required landscaping. All required plantings shall be maintained in good growing condition and, whenever necessary, replaced with comparable new plant materials to ensure continued compliance with applicable regulations.

(2) No plant material shall be allowed to encroach on road rights-of-way so that sight distance is impeded.

(3) Required berms, fences and walls shall be permanently maintained in good condition and, whenever necessary, repaired or replaced.

Section 16.125. Protection of Scenic Roads.

(a) ***Application of Regulations.*** The Subdivision and Land Development Regulations, Zoning Regulations, Forest Conservation ordinance and Landscape Manual shall be applied to development along a scenic road in a manner which helps to preserve the scenic character of the landscape viewed from these roads and the features of the road right-of-way that contribute to the road's scenic character.

(b) ***Guidelines For Development of Land Abutting a Scenic Road.*** Because scenic landscapes vary greatly, design solutions for development will vary. The following guidelines provide direction for the development of land abutting a scenic road. They are to be applied as appropriate, given the constraints of the particular site and the relative priority of other County policies and requirements such as public safety, farmland preservation, forest conservation, protection of sensitive environmental features and the need to construct public facilities.

(1) *General.*

(i) Use the cluster subdivision provisions of the Zoning Regulations to site buildings and roads in locations that minimize the impact of the subdivision on views from the scenic road. Generally structures and uses should be located away from the right-of-way for scenic roads unless screened by topography or vegetation.

(ii) Minimize tree and vegetation removal. In addition to requirements for protection of forests, steep slopes, streams and wetlands, emphasize the protection of vegetation adjacent to the scenic road, as well as mature trees and hedgerows visible from the road.

(iii) Minimize grading; retain existing slopes along the scenic road frontage.

(iv) Orient lots so that houses do not back up to a scenic road. If this cannot be avoided, houses should be sited as far as possible from the road and well screened.

(v) Locate and design utilities, storm water management facilities, drainage structures, bridges, lighting, fences and walls to be unobtrusive and to harmonize with the surroundings to maintain existing view corridors. Subdivision entrance features should be low, open, and in keeping with the scenic character of the area in accordance with Section 128 of the Zoning Regulations. (C.B. 14-2006, 6/19/06)

(vi) Locate parking lots, loading areas and storage areas so that these uses are screened from the scenic road.

(vii) Use vegetation commonly found on the site or in the area for landscaping.

(viii) For density receiving subdivisions in the RC and RR zoning districts, achieving the maximum possible density is not sufficient justification to allow impacts on scenic roads.

(2) *Forested or wooded areas.* Any new developments located along scenic roads must maintain at least a 35 foot buffer of existing forest or wooded area between the road and the new development. The buffer shall be wide enough to maintain the road's visual character with a minimum width of at least 35 feet from the road right-of-way. (C.B. 14-2006, 6/19/06; C.B. 37-2006, 8/8/06)

(3) *Areas with open views.*

(i) Cluster development to retain as much as possible of the open character of the site and to minimize interference with panoramic views from the road.

(ii) Where possible, site new buildings behind natural screening or cluster development in or along the edges of forests, at the edges of fields and hedgerows, or near existing buildings.

(iii) Preserve the foreground meadow, pasture or cropland and place development in the background as viewed from the road.

(iv) Avoid placing structures on the tops of prominent ridges.

(v) If new construction cannot be made unobtrusive through siting or the use of natural screening, use landscaping including berms, to buffer development from the scenic road.

(4) *Administrative waivers*

(i) A developer seeking an administrative waiver from the scenic road requirements shall give written notice within one week of the filing date of the waiver petition, via first class mail to:

a. All adjoining property owners identified in the records of the State Department of Assessments and Taxation; and

b. All attendees of record of the pre-submission community meeting; and

c. All interested parties on file with the Department of Planning and Zoning.

(ii) The Department shall not approve any petition for a scenic road requirement waiver within 30 days of meeting the written notice requirement to allow for public comment. (C.B. 14-2006, 6/19/06)

Section 16.126. Protection of Agricultural Land and Rural Character.

(a) ***Sewage Disposal****:* Potential conflicts between prime agricultural soils and the location of lots and sewage disposal system easements shall be minimized by:

(1) Requiring that all subdivision in the RC (Rural Conservation) and RR (Rural Residential) zoning districts be submitted as a preliminary equivalent sketch plan in accordance with the requirements of Section 16.145 of this Subtitle; and

(2) Encouraging the use of shared sewage disposal systems in accordance with Section 16.131(c)(3)(ii) of this Subtitle.

(b) ***Well Setbacks****:* Wells located on residential lots must be located at least 50 feet from existing off-site agricultural land preservation easements and other farms that have a complete soil conservation and water quality plan approved by the Howard County Soil Conservation District.

(c) ***Landscape buffers****:* In the RC and RR zoning districts, landscaping required for rural cluster and density receiving subdivisions shall be calculated in accordance with Section 16.124 of this Subtitle and the Landscape Manual, but shall be located to optimize the landscape buffer between cluster lots and developed non-cluster lots, designated scenic roads or agricultural preservation easements, depending on the surrounding context.

Section 16.127. Residential Infill Development

(a) ***Purpose****:*

(1) Accommodate growth within areas that already have infrastructure and public facilities in the context of existing communities;

(2) Ensure development occurs in a manner that protects the environment, achieves high quality design and strengthens existing communities; and

(3) Encourage investment in older established communities.

(b) ***Pre-submission community meeting****:* A pre-submission community meeting is required prior to the initial submittal of plans for new residential infill developments submitted after November 15, 2001, according to the procedures established in Section 16.128 of this Title.

(c) ***Design of Infill Development:***

(1) The developer of a residential infill project shall create compatibility with the existing neighborhood by designing the project to either:

(i) Be the same as the surrounding residential neighborhood in terms of unit type (SFD, SFA, APTS); or

(ii) Achieve compatibility by using enhanced perimeter landscaping adjacent to lots with existing homes. Either Type B Landscaping within a 20-foot setback or Type C Landscaping within a 10-foot setback may be used.

(2) The following provisions are intended to improve the design of a residential infill project and its relationship to surrounding residential development:

(i) Provide connectivity between on-site and off-site vehicular and pedestrian systems, protected environmental lands, and other open space.

(ii) Incorporate into the design locally significant site features, such as historic structures, unique topographic features, specimen trees, or other existing healthy buffer landscaping.

(iii) Privacy:

a. Location and design lots, buildings and site improvements to minimize infringement on the privacy of adjoining residential properties.
b. Use increased landscaping, berms, fences or walls, to effectively screen views of rear yards and decks from public roads.

Sections 16.128. Pre-Submission Community Meetings; Exceptions.

Pre-submission community meetings: The following procedures are required for a pre-submission community meeting:

(a) The initial plan submittal shall be as defined in section 16.108 of this Subtitle

(b) The meeting shall be:

(1) Held at a location within the community, in a public or institutional building located within approximately five miles of the subject property; and [CB 4-2007, eff. 04/09/07]
(2) Scheduled to start between 6 p.m. and 8 p.m. on a weekday evening, or to be held between 9 a.m. and 5 p.m. on a Saturday, excluding all official County Holidays and Rosh Hashanah, Yom Kippur, Eid Ul Fit, Eid Ul Adha or Chinese New Year. [CB 57-2006, eff. 10/03/06]

(c) The developer shall provide **three weeks** advance notice regarding the date, time, and location of the pre-submission community meeting to be held for a development project as follows: [CB 6-2007, eff. 05/08/07]

(1) Notice shall be sent by first-class mail with delivery confirmation notice to:
(i) All adjoining property owners identified in the records of the State Department of Assessments and Taxation; and
(ii) Any community association that represents the geographic area of the subject property or any adjoining properties; and

(2) Notice shall be sent electronically to:

(i) Any community association registered with the County to be notified about projects in a certain geographic area;

(ii) The Howard County Council; and

(iii) The Department of Planning and Zoning, which shall place the meeting notice on the Department's web site.

[CB 39-2009, eff. 10/4/09]

The property involved shall be posted with the time, date and place of the initial meeting. The sign shall include the address of Department of Planning and Zoning's website. The property shall be posted for at least two weeks immediately before the meeting. The poster shall be double-sided, and at least 30 inches by 36 inches in size. The poster shall include a three digit alphanumeric code, which would be used to identify the case. The alphanumeric code shall be posted by the Department of Planning and Zoning in five-inch lettering in the top left corner of the poster. The Department of Planning and Zoning shall determine the number of posters required and their location and the petitioner shall bear the expense of posting. The posters shall be erected perpendicular to the road which serves as the mailing address of the subject property. The Department of Planning and Zoning shall supply the posters. The petitioner shall properly erect and maintain the posters. [CB 57-2006, eff. 10/03/06] [CB 16-2007, eff. 7/10/07]

(d) The pre-submission community meeting is for the developer to provide information to the community regarding the proposed development and to allow community residents to ask questions and make comments. While the developer is encouraged to work with the community to achieve a mutually acceptable solution to any concerns, unless a change is required by this Subtitle or the Zoning Regulations, the developer is not required to change the proposed development in response to comments made at the pre-submission community meeting. [CB 36-2009, CB 39-2009, eff. 10/4/09]

(e) The developer shall distribute at the pre-submission community meeting a summary of the County's Subdivision and Development Review process prepared by the Department of Planning and Zoning. [CB 6-2011, eff. 6/8/11]

(f) Developers shall maintain a record of the names, addresses and electronic mail addresses, if available, for all attendees to the pre-submission community meetings, and shall compile comprehensive minutes of these meetings which include a written response to all questions not verbally answered at the meeting. The minutes shall be sent to all meeting attendees within **60 days** of the meeting either electronically or by first class mail. [CB 36-2009, CB 39-2009, eff. 10/4/09] [CB 6-2011, eff. 6/8/11]

(g) Certification by the developer that the meeting notices and minutes, which include written responses to questions not answered verbally at the meeting, were sent, together with attendees' contact information, and shall be transmitted to the Department of Planning and Zoning when initial plans are filed and shall become part of the official record. [CB 6-2011, eff. 6/8/11]

(h) Another pre-submission community meeting may be required, at the discretion of the Director of the Department of Planning and Zoning, if the developer fails to comply with the requirements in (f) above, or plans are submitted that are significantly different from what was presented to the pre-submission community meeting, unless the changes are in response to community input. [CB 6-2011, eff. 6/8/11]

(i) Citizens may request a meeting with a staff member of the Department of Planning and Zoning to review the development proposal after the initial plan has been formally submitted to the Department. [CB 6-2007, eff. 05/08/07]

(j) If the developer does not submit plans to the Department of Planning and Zoning within 1 year of the pre-submission community meeting, another pre-submission community meeting and notification in accordance with this Section shall be required. [CB 5-2007, eff. 05/08/07]

Section 16.129 Golf Course Redevelopment

a) *Definitions.* In this section, the following terms have the meanings indicated.

(1) "Golf Course" means the portion of property:

(i) Used, at any time, as a tee box, fairway, or green;

(ii) Where a maintenance building was located, at any time, for the storage of chemicals, equipment, vehicles, or fuel for use on the golf course or where equipment for use on the golf course was maintained; or

(iii) Adjoining any maintenance buildings used to maintain the property

(1) "Redevelopment" means a change in use to a non-golf course use for the portion of property that is being used or was used at any time as a golf course.

b) *Condition of Grading Permit.* An applicant for a grading permit submitted or approved on or after December 15, 2007 for the redevelopment of a golf course shall comply with this Section prior to approval of the application.

c) *Required Testing.* Unless the applicant complies with Subsection (e) of this Section, the developer of a golf course redevelopment shall:

(1) Provide certification to the Director of Planning and Zoning and the Director of Inspections, Licenses and Permits that the developer will test in accordance with this Subsection and the certification shall be provided:

(i) Prior to an initial application for a site development plan, sketch plan, preliminary plan, or final subdivision plan submitted on or after December 15, 2007; or

(ii) Prior to plan approval for an application for a site development plan, sketch plan, preliminary plan, or final subdivision plan submitted before December 15, 2007;

(2) Perform a Phase I environmental site assessment for the redevelopment that is or will be included in the application for a grading permit:

(i) In accordance with standard E 1527-05, or the most recently adopted standard for Phase I assessments, of the American Society for Testing and Materials; and

(ii) That shall also include legal boundaries; the location of tees, fairways, and greens; any prior development plans approved by the County; and the specific types and strength of chemicals known to be or typically used or stored for each area of the golf course;

(3) To the extent required by the guidance, practices, and procedures of the voluntary cleanup program of the Maryland Department of the Environment.

(i) Perform a Phase II environmental site assessment in accordance with standard E 1903-97(2002), or the most recently adopted standard for Phase II assessments, of the American Society for Testing and Materials;

(ii) Perform testing of environmental media in accordance with the Maryland Department of the Environment's policies and procedures; and

(iii) Prior to application for a grading permit, forward a copy of the summary reports completed pursuant to this Section to the Health Officer.

d) *Laboratory Requirements.* A laboratory performing a test under Subsection (c) of this Section shall follow the requirements of ISO Guide 17025 "General Requirements for the Competence of Calibration and Testing Laboratories" and:

(1) Be certified in the state to perform the test in accordance with this Section; or

(2) Be accredited by the National Environmental Laboratory accreditation conference.

e) *Voluntary Cleanup Program.* If the redevelopment that is or will be included in the application for a grading permit is in, or is the subject of an application for, the voluntary cleanup program of the Maryland Department of the Environment, the developer shall:

(1) Provide certification to the Director of Planning and Zoning that a complete application to enter the voluntary cleanup program was filed and the certification shall be provided:

(i) Prior to an initial application for a site development plan, sketch plan, preliminary plan, or final subdivision plan submitted on or after December 15, 2007; or

(ii) Prior to plan approval for an application for a site development plan, sketch plan, preliminary plan, or final subdivision plan submitted before December 15, 2007;

(2) At the time of application for a grading permit, provide to the Health Officer, the Director of Inspections, Licenses and Permits and the Director of Planning and Zoning, a copy of:

(i) The certificate of completion issued under Section 7-513 of the environmental article of the Annotated Code of Maryland;

(ii) Notice from the Maryland Department of the Environment of no further requirements related to the investigation of controlled hazardous substances at the site; or

(iii) A response action plan approved by the Maryland Department of the Environment that includes the grading proposed in the application for a grading permit; and

(3) If a response action plan was approved by the Maryland Department of the Environment:

(i) Certify that work covered by the grading permit will complete the remediation required by the Maryland Department of the Environment as part of the response action plan; and

(ii) Within 60 days after completion of the grading, submit a certificate of completion from the Maryland Department of the Environment showing that the response action plan has been completed.

f) *Final Comments.* After testing in accordance with Subsection (c) of this Section, the developer shall obtain, and provide to the Director of Planning and Zoning and to the Director of Inspections, Licenses and Permits, comments from the Health Officer regarding compliance with this Section before approval of an application for a grading permit made on or after December 15, 2007.

[CB 60-2007, eff. 12/04/07]

Article III.

Required Improvements

Section 16.130. General.

(a) ***Construction Pursuant to Design Manual:*** Sections 16.131 through 16.139 of this Subtitle set forth the minimum improvements required for subdivision and site development plan approval. Construction of these required improvements shall be pursuant to the requirements of the Design Manual.

(b) ***Financial Responsibility; Developer's Agreement:*** The developer, at the developer's expense, shall be responsible for the installation of public improvements or private stormwater management facilities required by this Subtitle. Developers shall execute appropriate developer's agreements pursuant to that responsibility. After final plat approval and prior to the submission of the original final plat, the developer shall post all necessary monies and pay all required fees. A waiver to this requirement may not be granted, but modification of the timing of final plat submission may be granted under Section 16.147(e) of this Subtitle.

(c) ***Inspection; Release of Surety:***

(1) Upon installation of the required improvements, as provided in the developer agreement, the developer may request the County to inspect the improvements prior to the release of surety.

(2) The Department of Public Works shall inspect the improvements.

(3) The developer's agreement regarding the installation of improvements may provide that the developer may be partially released from the surety requirements of the agreement upon partial completion of the work in accordance with criteria established by the Department of Public Works.

Section 16.131. Sewage Disposal and Water Supply

(a) ***Definitions:***

(1) *Adequate* means having unused capacity available for allocation.

(2) *Community sewer system* means the public sewerage system owned and operated by Howard County for the purpose of collecting and treating sewage, excluding shared sewage disposal systems.

(3) *Community water system* means the public water system owned and operated by Howard County for the purpose of distributing water.

(4) *Metropolitan District* means that part of the planned service area which is required to pay ad valorem charges for water and sewer.

(5) *No planned service area* means an area designated in the Howard County Master Plan for Water and Sewerage as not being planned to be served:

(i) By a community sewer system; and/or

(ii) With a community water system.

(6) *Planned service area* means an area designated in the Howard County Master Plan for Water and Sewerage as being planned to be served:

(i) By a community sewer system; and/or

(ii) With a community water system.

(b) ***Sewage Disposal and Water Supply Required Pursuant to Regulations:*** Subdivision and site development plans shall provide for sewage disposal and for an appropriate supply of potable water in accord with the provisions of the Howard County Master Plan for Water and Sewerage, the regulations of the Maryland Department of Environment and the regulations of the Howard County Health Department. Community water systems and community sewer systems may be constructed and operated only in the Metropolitan District. No waiver may be granted to these requirements. Provision shall be made for an adequate supply of water for fire protection.

(c) ***Disposal of Sewage:***

(1) *Requirements regarding on-site sewage disposal systems:*

(i) The lot size for an on-site sewage disposal system shall be at least the minimum size, based on percolation test rates or other criteria specified by the regulations of the Maryland Department of Environment and the Howard County Health Department.

(ii) Preliminary soil tests may be performed and submitted to the Howard County Health Department to determine preliminary lot areas prior to final testing. At the option of the Howard County Health Department, a hydrogeological study of the proposed development may be required.

(2) *Required sewer improvements for lots in the "planned service area":* A proposed subdivision shall be approved for sewage disposal if one of the following provisions is made:

(i) Where an adequate community sewer system is currently available or where contracts have been let to make an adequate community sewer system available:

a. Each lot shall connect to the community sewer system.
b. The developer shall install sanitary sewers to serve all lots, including a sewer connection for each lot.

(ii) Where an adequate community sewer system will be available within 2 years:

a. The final subdivision plat shall include a statement that interim individual on-site sewage disposal systems may be utilized in the subdivision for a maximum of 1 year after an adequate community sewer system becomes available.
b. The developer shall install capped sanitary sewers to serve all lots, including a connection for each lot.
c. The developer shall install an interim individual on-site sewage disposal system on each lot when improved. The interim system shall be located so as to allow future connection to the community sewer system in the most economical and convenient manner.

(iii) Where an adequate community sewer system will be available within 3 to 5 years:

a. The final subdivision plat shall include a statement that interim individual on-site sewage disposal systems may be utilized in the subdivision for a maximum of 1 year after an adequate community sewer system becomes available.
b. The developer shall install an interim individual on-site sewage disposal system on each lot when improved. The interim system shall be located so as to allow future connection to the community sewer system in the most economical and convenient manner.

(iv) In a planned service area for sewer, but where an adequate community sewer system will not be available within 5 years:

a. The developer shall install a permanent individual on-site sewage disposal system on each lot when improved.
b. When an adequate community sewer system becomes available, the lots may be connected to the community system.

(v) In the planned service area for sewer, regardless of when adequate community sewer system will be available, if the minimum lot size is 3 acres a developer may utilize permanent on-site sewage disposal systems. These shall be installed on each lot when improved.

(3) *Required sewer improvements for lots in the "no planned service area":*

(i) The developer shall install a permanent individual on-site sewage disposal system on each lot when improved.

(ii) Shared sewage disposal systems serving more than one lot may be permitted pursuant to the provisions of the Zoning Regulations, the Master

Plan for Water and Sewerage, and Subtitle 12, "Shared Sewage Disposal Systems," of Title 18, "Public Works," of the Howard County Code. Concurrent review by the Maryland Department of the Environment, the Howard County Health Department and the Department of Public Works is required. For shared sewage disposal systems, early consultation on design with the approving agencies is encouraged.

(d) ***Water Supply:***

(1) *Required water supply for lots in the "planned service area":* A proposed subdivision or site development plan shall be approved for water supply if one of the following provisions is made:

(i) Where an adequate community water system is currently available or where contracts have been let to make an adequate community water system available:

a. Each lot shall connect to the community water system.
b. The developer shall install a water distribution main to serve all lots, including a water connection for each lot.
c. And for appropriately spaced fire hydrants.

(ii) Where an adequate community water system will be available within 2 years:

a. The final subdivision plat shall include a statement that interim individual on-site water wells may be utilized in the subdivision for a maximum of 1 year after an adequate community water system becomes available.
b. The developer shall install capped water mains to serve all lots, including a connection for each lot and appropriately spaced fire hydrants.
c. The developer shall install an interim individual on-site water well on each lot when improved. Whenever possible the interim water well shall be located so as to allow future connection to the community water system in the most economical and convenient manner.

(iii) Where an adequate community water system will be available within 3 to 5 years:

a. The final subdivision plat shall include a statement that interim individual water wells may be utilized in the subdivision for a maximum of 1 year after an adequate community sewer system becomes available.
b. The developer shall install an interim individual water well on each lot when improved. Whenever possible the interim water well shall

be located so as to allow future connection to the community water system in the most economical and convenient manner.

(iv) In a planned service area for water, but where an adequate community water system will not be available within 5 years:

a. The developer shall install a permanent water well on each lot when improved.
b. When an adequate community water system becomes available, the lots may be connected to the community system.

(v) In the planned service area for water, regardless of when an adequate community water system will be available, if the minimum lot size is 3 acres, a developer may utilize permanent water wells. A well shall be installed on each lot when improved.

(2) *Required water supply for lots in the "no planned service area":* In the "no planned service area" the developer shall install a permanent water well on each lot when improved.

(3) *Fire protection:* Where a community water system is not currently available, provisions for a fire protection water supply may be required for non-residential development.

Section 16.132. Road Construction.

(a) ***Road Construction:***

(1) *Responsibility for road construction:*

(i) *County roads:* The developer shall construct or provide for the construction of roads fronting or within a proposed subdivision, including required connections to adjacent properties unless the adjacent properties are precluded from development by law or agreement. The construction of roads shall be in accordance with paragraphs (2) through (6) of this Subsection and in accordance with the Design Manual.

(ii) *State roads:* The developer shall construct or provide for construction along existing state roads fronting on and providing access to a proposed subdivision in accordance with paragraphs (3) and (6) of this Subsection and in accordance with the requirements of the State Highway Administration.

(iii) *Agriculture Preservation Subdivisions and Minor Subdivisions:*

a. Road improvements are not required in agriculture preservation subdivisions or minor subdivisions where Zoning Regulations prohibit further subdivision of the lot or parcel, unless the proposed minor subdivision creates a sight distance or other traffic safety problem or if construction of a sidewalk is required under section 16.134(A)(1) of this subtitle. [CB15-2005, eff. 6/7/06]

b. If the road serving a minor subdivision is deficient and lies within a capital project in the County's approved capital budget or capital improvement program, road improvements will be required or funds will be contributed to the county in accordance with Paragraph (2) of this Subsection.

(iv) *Subdivision of property which was part of a previous minor subdivision:* Where a major subdivision occurs within the original tract or parcel of land upon which a minor subdivision has been recorded, the developer of the major subdivision shall provide road improvements or contribute funds in accordance with paragraphs (2) through (6) of this Subsection which would normally have been required for the original road frontage of the parcel of land existing prior to the recordation of the minor subdivision plat.

(v) *Private roads in multifamily development:* Internal roads serving multi-family development may be private rather than public but must be designed and constructed in accordance with the Design Manual. Private roads shall be maintained by the owners.

(2) *Local or minor collector roads:*

(i) *Owner owns land on only one side of road:* Where the property owner owns land on only one side of a local or minor collector road, the owner shall:

a. Construct one side of the road up to one-half of the full designated pavement width; or (at the County's sole option)

b. Contribute to the County the funds necessary to do such construction.

(ii) *Owner owns land on both sides of road:* Where the property owner owns land on both sides of local or minor collector road, the owner shall:

a. Construct the entire length of the road within the subdivision to the full designated pavement width; or (at the County's sole option)

b. Contribute to the County the funds necessary to do such construction.

(3) *Major collector and minor or intermediate arterial roads:*

(i) *Benefits to the subdivision:* Notwithstanding the requirements of Paragraph (1) of this Subsection, no construction of a major collector road or a minor or intermediate arterial road shall be required of a property owner pursuant to this Section, unless one or more of the following benefits to the subdivision shall be deemed to presently exist or may reasonably be expected to exist upon development of the proposed subdivision:

a. The road serves the proposed subdivision;
b. The use of the subdivision gives rise to traffic or other conditions reasonably related to the need for the road construction; or
c. The road construction would otherwise benefit the subdivision and is reasonably related to the protection of the health, safety and general welfare of the residents in the subdivision.

(ii) *Requirement to construct minimum usable width:*

a. *Applicability:* Paragraph (3) of this Subsection applies where a subdivision is either divided by or adjacent to:
   1. A major collector road; or
   2. A minor or intermediate arterial road which performs a regional function and therefore carries traffic requiring a greater pavement width than that required by the subdivision traffic upon the completion of the subdivision.
b. *Design standards:* County roads shall be improved in accordance with the Design Manual. State roads shall be improved in accordance with the requirements of the State Highway Administration.
c. *Owner owns land on only one side of road:* Where the property owner owns land on only one side of the road, the owner shall, at the County's or State's sole option:
   1. Construct one side of the road improvements up to one-half of the minimum usable pavement width for the subdivision road which would have been applicable if the road were not a major collector road or a minor or intermediate arterial road;
   2. Contribute to the County or State the funds necessary to do such construction; or
   3. Enter into an agreement with the County or the State whereby the owner shall construct the entire full width of the road. The County or State shall pay for that portion in excess of the amount required of the property owner by Paragraph (1) of this Subsection.

d. *Owner owns land on both sides of road:* Where the property owner owns land on both sides of the road, the owner shall, at the County's or State's sole option:

1. Construct the entire length of the road within the subdivision to the minimum usable pavement width for the subdivision road which would have been applicable if the road were not a major collector road or a minor or intermediate arterial road;
2. Contribute to the County or State the funds necessary to do such construction; or
3. Enter into an agreement with the County or the State whereby the owner shall construct the entire full width of the road. The County or State shall pay for that portion in excess of the amount required of the property owner by Paragraph (1) of this Subsection.

(4) *County maintained scenic roads:* Notwithstanding paragraphs (1) through (3) of this Subsection, the property owner shall not be required to construct or provide for the construction of improvements to County maintained scenic roads fronting a proposed subdivision, except as required by this Paragraph.

(i) Improvements to scenic roads shall be in accordance with the scenic road standards of the Design Manual and designed to minimize alterations to scenic features of the road right-of-way such as roadside vegetation and topography.

(ii) For a scenic road with current traffic volumes of less than 6,000 average daily trips (ADT), the following improvements may be required:

a. Access improvements such as sight distance improvements, acceleration and deceleration lanes or turn lanes at the intersection of subdivision streets with the scenic road. Turn lanes should be provided by restriping existing pavement when possible.
b. Improvements to correct safety problems at locations where there is a documented accident history, via signage, lighting, clearing vegetation, grading within the right-of-way, or, if other improvements will not be effective, changes in road alignment.
c. Road widening to provide a minimum 18-foot pavement width.

(iii) For a scenic road with current traffic volumes of 6,000 ADT or higher, the following improvements may be required:

a. The improvements listed under subparagraph (ii) of this Paragraph.
b. Other frontage improvements, including construction of the road to full Design Manual standards, when such improvements are deemed necessary because of deficient roadway capacity or will

implement planned road improvements included in the County's approved capital budget or capital improvement program.

(iv) At the County's sole option, the property owner may construct the road improvements required by this Subsection or contribute to the County the funds necessary to do the construction.

(5) *Continuation to nearest public road intersection:* At the County's sole option, a developer may be required to extend the road improvement up to 250 feet beyond the proposed development to the nearest public road intersection or pay the cost of such construction if:

(i) The necessary rights-of-way exist or have been acquired by the developer or the County;

(ii) The continuation of the improvements is necessary to make the required improvements functional or to provide for safe traffic movements; and

(iii) The Director of Planning and Zoning, after consultation with the Director of Public Works, has determined that the nearest public road is in close proximity to the proposed subdivision.

(6) *Responsibility for off-site road construction:* The property owner shall construct or provide for the construction of improvements to off-site road facilities required as mitigation pursuant to Subtitle 11 "Adequate Public Facilities," of this Title and in accordance with an approved traffic study. Off-site intersection improvements involving a scenic road shall be designed with consideration for the scenic features of the road right-of-way.

(b) ***Acceptance:*** The approval of a final subdivision plat shall not be deemed to constitute or imply the County's acceptance of any street shown on the approved plat. Acceptance of streets shall be pursuant to Title 18 of this Code.

Section 16.133. Storm Drainage.

(a) ***Requirement To Construct Storm Drainage****:* Where deemed necessary by the Director of Planning and Zoning, after consultation with the Director of Public Works:

(1) The developer shall construct storm drains to handle on-site runoff; and

(2) The developer shall provide on-site drainage easements; however, these may not encroach on required perimeter landscaping unless approved by the Department of Planning and Zoning; and

(3) The developer shall provide off-site drainage easements; and

(4) The developer shall provide for the handling of off-site runoff to an acceptable outlet in the same watershed pursuant to Subsection (c) below.

(b) ***Watersheds:*** For the purposes of this Subtitle, there are 4 major outlets: the Patapsco Watershed, the Middle Patuxent Watershed, the Main Patuxent Watershed, and the Little Patuxent Watershed.

(c) ***Options for Handling Off-Site Runoff:*** Developers shall do one of the following for all subdivisions:

(1) Provide for the construction of all necessary drainage structures through and between the developer's subdivision and an acceptable outlet in the same watershed; or

(2) If all or part of the necessary drainage structures between the developer's subdivision and an acceptable outlet in the same watershed has been provided by another developer, the developer of the proposed subdivision shall pay the County an off-site drainage fee prior to recordation of the plat; or

(3) Pay the County an off-site drainage fee prior to recordation of the plat.

(d) ***Restriction on Construction in 100-Year Floodplain:*** Construction on land within the 100-year floodplain shall be subject to the restrictions of Section 16.115, "Floodplain Preservation."

(e) ***Use of the Off-Site Drainage Fees:*** The County may expend off-site drainage fees paid by the developers of subdivisions in a given watershed only for the construction of drainage facilities in that watershed.

Section 16.134. Sidewalks and Walkways.

(a) ***Sidewalks Required:*** The developer shall provide for the construction of sidewalks pursuant to this Section and the Design Manual.

(1) *Residential Development**:***

In residential subdivisions and site developments, the developer shall construct sidewalks on both sides of all streets in the project and along the project frontage except that:

(i) Sidewalks are required on only one side of cul-de-sacs and local streets of single-family detached subdivisions.

(ii) No sidewalks are required on cul-de-sacs or private streets of any development with 10 or fewer dwelling units except along the portion of the development that fronts on a County or State road. For minor

subdivisions, if a developer chooses not to construct sidewalks along the portion of the development that fronts on a County or State road, the developer shall pay a fee-in-lieu of sidewalk construction. The fee-in-lieu shall be based on the unit prices for the cost to construct the sidewalk, including the associated curb and gutter, and shall be spent on sidewalks in the same *General Plan* planning area as the development. [CB 15-2006, eff. 6/7/06]

The Department of Planning and Zoning may accept a fee-in-lieu from developers for developments of 5 to 10 dwelling units located on local roads if there are:

a. No existing adjacent sidewalks, or
b. No institutional school, public or retail facilities within 1000 feet.

Any residential sidewalk requirement that was satisfied by paying a fee-in-lieu may be subsequently constructed by the County through the Capital Budget process.

(iii) No sidewalks are required in the RC or RR zoning district.

(iv) Sidewalks on State roads may not be required if the State Highway Administration determines that sidewalks are not appropriate in a specific location.

[CB 69-2007, effective 1/10/08]

(2) *Nonresidential Developments**:*** In nonresidential subdivisions and site developments the developer shall construct sidewalks on one or both sides of the street, if the Department of Planning and Zoning deems it necessary to serve anticipated internal pedestrian traffic, to provide access to transit stops, or to make connections to surrounding land uses.

(b) ***No Sidewalks Required:*** The Department of Planning and Zoning may eliminate all or part of the sidewalk requirement where:

(1) One side of a street adjoins a landscaped parking island, park, golf course or other type of use which does not require a sidewalk and where continuity is not essential.

(2) Adjacent development (recorded plat) has been substantially completed without sidewalks, pursuant to prior approvals, and there is no need for sidewalks to serve commercial or institutional uses, schools, parks, or other public facilities, or make connections to nearby streets or transit service.

(3) Sidewalks would be detrimental to the character of a scenic road and are not needed to serve school, shopping or active recreation areas.

(4) Sidewalks on State roads may not be required if the State Highway Administration determines that sidewalks are not appropriate in a specific location.

(c) ***Sidewalks Beyond Subdivision:*** At the County's sole option, a developer may be required to extend the sidewalk construction up to 250 feet beyond the proposed development to the nearest public sidewalk and/or pathway or pay the cost of such construction if:

(1) The continuation of the sidewalk is necessary to provide safe pedestrian travel or to complete a sidewalk and/or pathway system;

(2) The Director of Planning and Zoning has determined that the nearest public sidewalk and/or pathway is in close proximity to the proposed subdivision; and

(3) The necessary rights-of-way exist or have been acquired by the developer or the County.

(d) ***Walkways****:*

(1) *Residential Development*:

If the Department of Planning and Zoning determines that construction of sidewalks is infeasible or insufficient, an on-site pedestrian walkway to provide access to commercial or institutional uses, schools, or other public facilities such as parks, nearby streets or connections to transit service may be required.

(2) *Non-residential Development*:

The design of Site Development Plans for non-residential development shall incorporate on-site pedestrian circulation.

Section 16.135. Street Lighting.

(a) ***General:*** Unless the Department of Planning and Zoning, after consultation with the Director of Public Works, determines that adequate street lighting already exists, the developer of subdivisions and site developments shall provide street lighting in accordance with the Design Manual and in locations approved by the Director of Planning and Zoning, after consultation with the Director of Public Works. Street lighting is not required in RC, RR and BR zoning districts.

(b) ***Scenic Roads:*** The Department of Planning and Zoning, after consultation with the Department of Public Works, may eliminate the requirement for installation of street lighting on a scenic road in any zoning district, if street lighting is not necessary for public safety and would adversely affect the scenic character of the road.

Section 16.136. Street Trees And Landscaping Requirements.

The developer shall provide street trees and landscaping in accordance with Section 16.124 and the Landscape Manual.

Section 16.137. Street Name Signs And Traffic-Control Devices.

The developer shall erect street name signs and traffic-control devices at each street intersection. These signs and devices shall be consistent with this Code and the Design Manual and shall be approved by the Department of Planning and Zoning, after consultation with the Director of Public Works.

Section 16.138. Gas, Electric, and Communication Facilities.

(a) ***Requirement To Extend Underground Utilities****:* The developer shall provide for underground extensions of gas, electric, and communication utilities, including service provided by the cable television franchise holder(s) to serve the subdivision or development in accordance with applicable Howard County and Public Service Commission underground extension rules.

(b) ***Agreements With Utilities:*** Prior to submission of the final plat or site development plan to the Department of Planning and Zoning for signature approval, the developer shall execute agreements for underground telephone and electric services for the development with the public service companies in whose service territory the development is located. These agreements shall provide that the developer is responsible for all Public Service Commission rules and company service tariffs, even though building lots of the subdivision may be sold, developed or improved by third parties.

Section 16.139. Monuments and Markers.

(a) ***Monuments Required:***

(1) The developer shall construct and place a monument at each street intersection. Monumentation shall be in accordance with the requirements of COMAR.

(2) Monuments shall be set so that the top is level with the surface of the surrounding ground at final finished grade.

(3) Monuments shall be concrete, 4 inches by 4 inches top, 6 inches by 6 inches bottom, 3 feet long and strengthened by a 3/8-inch inch or greater steel reinforcing rod, at least 30 inches long, through their centers.

(b) ***Markers Required:*** The developer shall construct and place a marker on all points of curvature and points of tangency along the street line and at all angle breaks. Markers shall be steel bars or iron pipes at least 3/8 of an inch in diameter and 30 inches long.

(c) ***Setting of Monuments and Markers:*** Monuments and markers shall have been installed at the time the developer applies to the County for inspection and acceptance of the streets in his subdivision. Monuments and markers shall each have an identifying cap bearing the Maryland registration number of the licensed professional land surveyor, property line surveyor, corporation, or partnership responsible for setting the monuments and markers in accordance with the Annotated Code of Maryland. Markers and monuments shall be identified as described in the Annotated Code of Maryland, Title 9, Subtitle 13, Chapter 3, Section 3.

(d) ***Geodetic Control Survey Stations:*** The developer shall mark and protect all County geodetic control survey stations on the site, including those located in the public right-of-way, for the duration of construction activity. Control stations disturbed or damaged during the construction period shall be reset by the Department of Public Works at the developer's expense. Geodetic control survey stations on the site that require relocation shall be relocated by the Department of Public Works prior to issuance of a building permit.

Sections 16.140--16.143. Reserved.

Article IV.

Procedures for Filing and Processing Subdivision Applications

Section 16.144. General Procedures Regarding the Subdivision Process.

Except as provided in Section 16.102 of this Subtitle, all proposals to subdivide land shall be processed in accordance with the following procedures:

(a) ***Pre-Submission Community Meeting:*** A pre-submission community meeting is required prior to the initial submission of residential sketch plans or preliminary equivalent sketch plans in accordance with section 16.128 of this article.

(b) ***Submission of Sketch Plan or Preliminary Equivalent Sketch Plan:*** The subdivision process begins when the developer of land submits to the Department of Planning and Zoning a sketch plan or preliminary equivalent sketch plan which shall be in accordance with the requirements of Section 16.145, "Sketch Plan; Preliminary Equivalent Sketch Plan," of this Subtitle.

(c) ***Review Process:*** The Department of Planning and Zoning shall transmit the sketch plan or preliminary equivalent sketch plan for review and recommendation to the review committee and such other agencies of the County and State as the Department deems appropriate. The Department of Planning and Zoning may schedule a meeting of the review committee to review the plan.

(d) ***Report of Review Committee; Additional Information:***

(1) Within 60 days of active processing time from submission of the sketch plan or preliminary equivalent sketch plan the Department of Planning and Zoning shall provide the developer with a written report of the findings of the review committee, including the comments of the review committee and its recommendations.

(2) If the Department of Planning and Zoning or the review committee indicates that additional information is needed in order to decide whether to approve the plan, the developer shall provide the information within 45 days of receiving such indication.

(e) ***Approval/Denial of Sketch Plan or Preliminary Equivalent Sketch Plan:***

(1) Within 60 days of active processing time from submission of the sketch plan or preliminary equivalent sketch plan or if additional information was requested, within 45 days of receiving the information, the Department of Planning and Zoning shall indicate to the developer in writing whether the sketch plan or preliminary equivalent sketch plan is approved, approved with modifications or denied.

(2) If the sketch plan is approved or approved with modifications, this notice shall serve as authority to proceed to submission of the preliminary plan, except for subdivisions which require Planning Board approval. If the preliminary equivalent

sketch plan is approved or approved with modifications, this notice shall serve as authority to proceed to submission of the final plan, except for subdivisions which require Planning Board approval.

(f) ***Planning Board Approval:***

(1) If the subdivision requires Planning Board approval, the Department of Planning and Zoning shall advise the developer of the location, time and date of the Planning Board meeting after the Department notifies the developer that the sketch plan or preliminary equivalent sketch plan has been approved or approved with modifications by the Department.

(2) The Planning Board shall indicate to the developer in writing whether the sketch plan or preliminary equivalent sketch plan is approved, approved with modifications or denied.

(g) ***Submission of Preliminary Plan:*** If the sketch plan is approved or approved with modifications, the developer shall submit to the Department of Planning and Zoning a preliminary plan which shall be:

(1) In accordance with the approved sketch plan;

(2) In accordance with the requirements of Section 16.146, "Preliminary Plan," of this Subtitle; and

(3) Within the following milestones:

(i) 4 months of sketch plan approval (subdivisions of 50 or fewer housing units);

(ii) 6 months of sketch plan approval (subdivisions of 51--100 housing units);

(iii) 9 months of sketch plan approval (subdivision of 101 or more housing units);

(iv) 9 months of sketch plan approval for nonresidential subdivisions.

(h) ***Review Process:*** The Department of Planning and Zoning shall transmit the preliminary plan for review and recommendation to the review committee and such other agencies of the County and State as the Department deems appropriate. The Department of Planning and Zoning may schedule a meeting of the review committee to review the preliminary plan.

(i) ***Report of Review Committee; Additional Information:***

(1) Within 60 days of active processing time from submission of the preliminary plan, the Department of Planning and Zoning shall provide the developer with a

written report of the findings of the review committee, including the comments of the review committee and its recommendations.

(2) If the Department of Planning and Zoning or the review committee indicates that additional information is needed in order to decide whether to approve the preliminary plan, the developer shall provide the information within 45 days of receiving such indication.

(j) ***Approval/Denial of Preliminary Plan:***

(1) Within 60 days of active processing time from submission of the preliminary plan, or if additional information was requested, within 45 days of receiving the information, the Department of Planning and Zoning shall indicate to the developer in writing whether the preliminary plan is approved, approved with modifications or denied.

(2) If the preliminary plan is approved or approved with modifications, this notice shall serve as authority to proceed to submission of the final plan.

(k) ***Submission of Final Plan:*** If the preliminary plan or preliminary equivalent sketch plan is approved or approved with modifications, the developer shall submit to the Department of Planning and Zoning a final plan which shall be:

(1) In accordance with the approved preliminary plan or preliminary equivalent sketch plan;

(2) In accordance with the requirement of Section 16.147, "Final Subdivision Plan and Final Plat," of this Subtitle;

(3) Within the following milestones:

(i) 4 months of preliminary plan approval or preliminary equivalent sketch plan approval (subdivisions of 50 or fewer housing units);

(ii) 6 months of preliminary plan approval or preliminary equivalent sketch plan approval (subdivisions of 51 - 100 housing units);

(iii) 9 months of preliminary plan approval or preliminary equivalent sketch plan approval (subdivisions of 101 or more housing units);

(iv) 9 months of preliminary plan approval or preliminary equivalent sketch plan approval for nonresidential subdivisions.

(l) ***Review Process:*** The Department of Planning and Zoning shall transmit the final plan for review and recommendation to the review committee. The Department of Planning and Zoning may schedule a meeting of the review committee to review the final plan.

(m) ***Report of Review Committee; Additional Information:*** The Department of Planning and Zoning shall provide the developer with a written report of the findings of the review committee, including the comments of the review committee and its recommendations. If the Department of Planning and Zoning or the review committee indicates that additional information is needed in order to decide whether to approve the final plan, the developer shall provide the information within 45 days of receiving such indication.

(n) ***Approval/Denial of Final Plan:***

(1) Within 60 days of active processing time from submission of the final plan, or if additional information was requested, within 45 days of receiving the information, the Department of Planning and Zoning shall indicate to the developer in writing whether the final plan is approved, approved with modifications or denied.

(2) If the final plan is approved or approved with modifications, this notice shall serve as authority to proceed to submission of final construction drawing originals, payment of fees, developer agreement, etc., preparatory to recordation.

(o) ***Submission of Final Construction Drawings:*** Within 60 days of receiving approval of the final plan the developer shall submit the final construction drawing originals to the Department of Planning and Zoning for signature. If a subdivision has a forest conservation obligation, the final forest conservation plan shall be submitted within 60 days.

(p) ***Payment of Fees; Posting of Financial Obligations:*** Within 120 days of receiving approval of the final plan the developer shall:

(1) Pay all required fees to the County; and

(2) If subject to a developer agreement or major facility agreement, shall post all monies and file appropriate surety covering the developer's financial obligations for the required public or private improvements.

(q) ***Final Subdivision Plat:*** Within 180 days of final plan approval, the developer shall submit the final subdivision plat to the Department of Planning and Zoning for signatures and recordation.

(r) ***Status of Plans Which Do Not Meet Deadlines, or Which Fail To Provide Information in a Timely Manner:***

(1) *Milestones:*

(i) *Miss milestone for preliminary plan submission:* Except where delay is caused by government action, a project which misses the deadline for preliminary plan submission shall be voided and the application for plan approval shall be considered withdrawn. The developer may resubmit the subdivision plan for sketch plan approval.

(ii) *Miss the deadline for final plan submission:* Except for a conditionally exempt project which is the subject of subparagraph (iii) of this Paragraph, or where delay is caused by government action, a project which misses the deadline for final plan submission shall be voided and the application for plan approval shall be considered withdrawn. If there has been no change in the requirements of the subdivision regulations since the project's sketch plan approval, the subdivision plan may be resubmitted for approval at the preliminary plan stage. Otherwise, it may be resubmitted for approval at the sketch plan or preliminary equivalent sketch plan stage.

(iii) *Projects with conditional exemptions from tests for adequate public facilities:* A project with conditional exemption from the test for adequate public facilities pursuant to Subtitle 11, "Adequate Public Facilities," of this Title which has preliminary plan approval and misses the milestone for submission of a final plan shall be voided and the application for approval of the plan shall be considered withdrawn unless the plan has approval for adequate facilities and housing unit allocations while the preliminary plan approval is still valid pursuant to the subdivision regulations in effect at the time the preliminary plan was approved. The plan may be resubmitted for approval at the sketch plan or preliminary equivalent sketch plan stage.

(2) *Submission of final plan:* A project with preliminary plan approval prior to March 12, 1993 which fails to submit a final plan while the preliminary plan approval is still valid pursuant to the subdivision regulations in effect at the time the preliminary plan was approved shall be voided and the application for plan approval shall be considered withdrawn.

(3) *Providing additional information:* If additional information needed for plan approval is not provided within 45 days of request, the plan shall be denied.

(4) *Failure to submit final construction or forest conservation drawings:* Except where delay is caused by government action, failure to submit final construction drawing originals or any required forest conservation plan originals within 60 days of final plan approval shall void previous approvals and the application shall be considered withdrawn.

(5) *Failure to pay fees, sign developer's agreement, provide surety:* Except where delay is caused by government action, failure to pay fees, post monies, sign developer agreements and major facilities agreement, and provide appropriate surety within 180 days of final plan approval shall void previous approvals and the application shall be considered withdrawn.

(6) *Failure to submit final plat:* Except where delay is caused by government action, failure to submit the final plat within 180 days of final plan approval shall void previous approvals and the application shall be considered withdrawn.

(s) ***Processing Subsequent Sections of Subdivisions in Default:*** If any Section of a subdivision is ruled in default on the developer's agreement or major facilities agreement, the County may:

(1) Stop the active processing of subsequent sections of the subdivision or physically related projects owned by the developer in default until all requirements to remove the default are accomplished; or

(2) Deny subsequent sections of a subdivision in default or physically related projects owned by the developer in default.

(t) ***Subdivision Name, Street Name, and Property Numbers:***

(1) *Subdivision name:* The subdivision name approved and recorded by the Department of Planning and Zoning shall constitute the subdivision's official name. No other name may be used for advertising or sales purpose unless an approved and amended plat is recorded bearing the revised name. Where a subdivision name has been changed, all subsequent plans submitted for processing shall reference the original subdivision name, and the Department of Planning and Zoning file numbers.

(2) *Street name:* Street names shall be approved by the Department of Planning and Zoning. Such names shall not duplicate those used elsewhere in Howard County, or adjacent jurisdictions and they shall be approved before the submission of any final plats. Changes in existing street names shall be in accordance with Section 16.400 of the Howard County Code.

(3) *Property numbers:* Property numbers shall be assigned:

(i) On the final plat to all lots or parcels within a subdivision of single-family dwellings.

(ii) On the site development plan to all buildings or entrances within an apartment development or nonresidential development.

(u) ***Compliance with Green Neighborhood Allocation:***

An applicant who receives a green neighborhood allocation under Section 16.1102 of this Subtitle shall comply with the standards adopted by resolution of the County Council. The initial plan submission shall be a preliminary equivalent sketch plan for major subdivisions, final plan for minor subdivisions, or site development plan, whichever is applicable.

Section 16.145. Sketch Plan; Preliminary Equivalent Sketch Plan.

(a) ***Purpose:*** The purpose of the sketch plan or preliminary equivalent sketch plan is to indicate to the County the intent, scope and timing of the subdivision and to familiarize the developer with County and State plans which may affect the subdivision. The subdivision will also be tested at this stage for the adequacy of public facilities in accordance with the provisions of Subtitle 11, "Adequate Public Facilities," of this Title. Preliminary equivalent sketch plans, which proceed directly from preliminary equivalent sketch plan approval to final plan submission, also provide the information required with preliminary plans. A preliminary equivalent sketch plan is required for all major subdivisions in the RC, RR and R-ED zoning districts.

(b) ***Procedures:***

(1) *Informational meeting prior to plan submission:* The developer, especially the developer of a large or complex project, is encouraged to contact the Department of Planning and Zoning to schedule an informational meeting with the Department and other appropriate agencies prior to submitting the sketch plan or preliminary equivalent sketch plan so that requirements for adequate public facilities testing, the General Plan, the capital improvement program and other information can be provided prior to formal submission of the plan application.

(2) *Pre-submission community meeting:* If the initial plan submittal for a residential subdivision is a sketch plan or preliminary equivalent sketch plan, the developer of the subdivision is required to hold a pre-submission community meeting in accordance with Section 16.128 of this Subtitle.

(3) *Design Advisory Panel Review:*

(i) *Review.* If required by Subparagraphs (II), (III), and (IV) of this paragraph, a developer shall submit a project for review by the Design Advisory Panel and the Director of the Department of Planning and Zoning may consider recommendations made by the Design Advisory Panel in accordance with Section 16.1504 of this Subtitle as a condition of plan approval for projects located on property subject to Design Advisory Panel review as set forth in Section 16.1501 of this Subtitle.

(ii) *Sketch plans submitted on or after November 3, 2008.* For sketch plans submitted on or after November 3, 2008, a developer shall submit the project for Design Advisory Panel review prior to submission of the sketch plan.

(iii) *Sketch plans submitted before November 3, 2008.* For sketch plans submitted before November 3, 2008, a developer shall submit the project for Design Advisory Panel review prior to a determination that the plan is technically complete.

(iv) *Sketch plans technically complete before November 3, 2008.* For sketch plans that are technically complete before November 3, 2008, a developer shall submit the project for Design Advisory Panel review as a condition of approval of subsequent preliminary and site development plan approval.

(4) *Submit application; pay fees:* A developer applies for approval of a sketch plan or preliminary equivalent sketch plan by submitting the following items to the Department of Planning and Zoning for the entire parcel being subdivided:

(i) An application form and checklist;

(ii) The required number of copies of the plan, which shall be:

a. In accordance with the provisions of Subsection (c), "Required Information for Sketch Plan," of this Section; or
b. If this is a preliminary equivalent sketch plan, in accordance with Subsection (c), "Required Information for Preliminary Plan," of Section 16.146, "Preliminary Plan," of this Subtitle; and

(iii) The appropriate application fee.

(5) *Notice of new residential developments:*

(i) *Requirement to give public notice:* If the sketch or preliminary equivalent sketch plan is the initial plan submittal for new residential development and is submitted after November 15, 2001, within 3 working days the developer shall post public notice on the property.

(ii) *Location:* The posters provided by the Department of Planning and Zoning shall be posted at the site of the proposed roadway entrances so that local residents may reasonably be expected to see them.

(iii) *Duration:* The notice shall remain in place at least 30 days.

(iv) *Content:* The notice shall:

a. State that a new residential development is proposed to be constructed at the site.
b. Give the sketch or preliminary equivalent sketch plan number.
c. Indicate that the sketch or preliminary equivalent sketch plan is available for inspection at the Department of Planning and Zoning.

(v) *Notification to persons who comment:* Any person commenting on a sketch plan or preliminary equivalent sketch plan within 14 days of plan submission shall be notified by the Department of Planning and Zoning that changes have occurred to the proposed plans at any stage of the review process.

(vi) *No delay:* The notification requirements of this Subsection shall not be construed to delay the normal processing of the sketch or preliminary equivalent sketch plan.

(6) *Processing of application:* Processing of the application for approval of the sketch or preliminary equivalent sketch plan will follow the general procedures outlined in Section 16.144 "General Procedures Regarding the Subdivision Process," of this Subtitle.

(7) *Golf course redevelopment:* A developer who is proposing the redevelopment of a golf course shall comply with Section 16.129 of this Subtitle, and, for purposes of this Section, the terms "redevelopment" and "golf course" shall have the meaning set forth in Section 16.129 of this Subtitle.

(8) *Approval binding on County:*

(i) Approval of a sketch plan is binding on the County for 7 years provided that the subdivision is processed in accordance with the schedule included in the approved plan and:

a. A preliminary plan is submitted within:
1. 4 months of sketch plan approval (subdivisions of 50 or fewer housing units);
2. 6 months of sketch plan approval (subdivisions of 51-100 housing units);
3. 9 months of sketch plan approval (subdivisions of 101 or more housing units);
4. 9 months of sketch plan approval for nonresidential subdivisions; and

b. A final plan is submitted within:
1. 4 months of preliminary plan approval (subdivisions of 50 or fewer housing units);
2. 6 months of preliminary plan approval (subdivisions of 51 - 100 housing units);
3. 9 months of preliminary plan approval (subdivisions of 101 or more housing units);
4. 9 months of preliminary plan approval for nonresidential subdivisions.

(ii) Approval of a preliminary equivalent sketch plan is binding on the County for 7 years provided that the subdivision is processed in accordance with the schedule included in the approved plan and a final plan is submitted within:

a. 4 months of preliminary equivalent sketch plan approval (subdivisions of 50 or fewer housing units);

b. 6 months of preliminary equivalent sketch plan approval (subdivisions of 51 - 100 housing units);
c. 9 months of preliminary equivalent sketch plan approval (subdivisions of 101 or more housing units);
d. 9 months of preliminary equivalent sketch plan approval for nonresidential subdivisions.

(9) *File original tracings of approved plan:* The developer shall file original tracings of the approved sketch or preliminary equivalent sketch plan with the Department of Planning and Zoning prior to the submission of the next plan stage. The original tracing shall be on a durable, reproducible of mylar or comparable material approved by the Department of Planning and Zoning.

(c) ***Required Information:*** A checklist specifying the required information format for sketch plan submission is to be provided by the Department of Planning and Zoning. For all types of subdivisions, except for apartments, the sketch plan, drawn on 24-inch by 36-inch sheets to scale 1 inch equals 200 feet, or as approved by the Department of Planning and Zoning shall be submitted on a topographic map, accompanied by an application form, checklist, and fee and the following items. Apartment developments shall be drawn at a scale of 1 inch equals 100 feet or 1 inch equals 50 feet and shall also provide the information required in Paragraph (16) of this Subsection. The Department of Planning and Zoning will provide a separate submission checklist for a preliminary equivalent sketch plan that incorporates appropriate requirements from the checklists for both sketch and preliminary plans.

(1) Name and address of developer, owner, engineer, and/or surveyor.

(2) Adjoining property owners, deed references and recorded subdivision names, recording references and adjoining property structures within 200 feet of the proposed property line. Provide information regarding any adjoining undeveloped parcel that is landlocked or has insufficient frontage which may need access through the proposed subdivision.

(3) Development data, including land characteristics, availability of public utilities, existing and proposed individual wells, individual septic systems, and shared sewage disposal facilities, existing and proposed recreation, park and conservation areas, existing and proposed street systems, scenic roads, existing and proposed storm water management systems, preliminary lot layout, approximate 100-year floodplain limits, wetlands and streambanks, wetland and stream buffers or steep slopes, if any.

(4) Vicinity map.

(5) North arrow.

(6) The title block shall be in the lower right-hand corner and include:

(i) Proposed subdivision name which shall not be a duplicate of any other subdivision or development name in the Baltimore Metropolitan Area;

(ii) Scale of plan;

(iii) Location by election districts, County, and State;

(iv) Tax map, parcel number; and

(v) Date.

(7) List of street names which, if approved by the Department of Planning and Zoning, will be reserved for that subdivision.

(8) Existing zoning, number of acres and proposed lots.

(9) Soils map at the scale of the subdivision plan with the boundary plotted and the mapping symbols indicated within the mapping boundaries.

(10) Forest stand delineation as described in Subtitle 12 of this Title.

(11) Whenever the sketch plan covers only a part of an applicant's contiguous holdings, the applicant shall submit, at the same scale as above, a sketch of the proposed subdivision area, with its proposed street system and an indication of the probable future street and drainage system of the remaining portion of the tract.

(12) The location and approximate age of any burial grounds or existing structures and whether structures are to be retained or removed. A cemetery boundary documentation and accommodation plan shall be submitted, if applicable pursuant to the requirements of Subtitle 13, "Cemetery Preservation," of this Title.

(13) The phasing schedule, if the subdivision is to be phased.

(14) A traffic study pursuant to the requirements of Subtitle 11, "Adequate Public Facilities," of this Title.

(15) Additional information which may be required by the review committee to evaluate the plan.

(16) For apartment developments, the sketch plan shall be submitted for the entire acreage of contiguous ownership in accordance with paragraphs (1) through (15) of this Subsection and shall include the following additional items:

(i) Approximate location of each building, setbacks from all streets (public or private), property lines, and distances between buildings.

(ii) Number of apartment units in each building.

(iii) Number of parking spaces in each off-street parking area, and total number of parking spaces.

(iv) Interior road or street access, whether public or private, and total area of each.

(17) For development of a site abutting a scenic road, the following are required:

(i) Location of views and viewsheds as seen along the entire frontage of the scenic road, indicated on the plan.

(ii) Photographs, perspective sketches or elevations of the property as necessary to adequately portray the visual character of the scenic road right-of-way and the site as viewed from the scenic road.

(iii) Perspective sketches, elevations or cross-sections of the proposed development as viewed from the scenic road, showing the relationship of development to the scenic character of the landscape as viewed from the road.

(18) Location of overhead utility line maintenance easements that would conflict with proposed landscaping or forest buffers, if any.

(19) For cluster and density receiving subdivisions in the RC or RR zoning districts, a written explanation of how the proposed design meets the objectives set forth in Sections 104.F.2 or 105.F.2, or 106.F.3 of the Zoning Regulations.

(20) For residential developments required to hold pre-submission community meetings in accordance with Section 16.128 of this Subtitle, a certification that meeting notices were mailed and a summary of the comments made at the meeting.

(21) For residential development projects requesting green neighborhood allocations, the preliminary equivalent sketch plan shall demonstrate how the project will comply with the green neighborhood site portion of the green neighborhood checklist.

(22) A developer who is proposing the redevelopment of a golf course shall comply with Section 16.129 of this Subtitle, and, for purposes of this Section, the terms "redevelopment" and "golf course" shall have the meaning set forth in Section 16.129 of this Subtitle.

Section 16.146. Preliminary Plan.

(a) ***In General:***

(1) *Purpose:* The purpose of the preliminary plan is to present detailed data which will enable the County to determine whether the proposed layout of the subdivision is in accordance with the approved sketch plan, the requirements of this Section and the requirements of this Subtitle.

The preliminary plan is not intended to be a record plat, but shall be designed by a qualified technician trained and experienced in the layout of subdivisions and shall be sealed and signed by a registered engineer or other professional person qualified by law and licensed in the State of Maryland to seal and sign such plans.

(2) *Preliminary equivalent sketch plan:* The preliminary plan stage may be omitted if the developer indicates intent to do so at the sketch plan stage and submits a preliminary equivalent sketch plan in accordance with the provisions of Subsection (c), "Required Information for Preliminary Plan," of this Section.

(3) *Phased subdivisions:* Typically, a preliminary plan will cover only a portion of a phased subdivision and will provide more detailed data for the particular phase. The extent of a subdivision included in each preliminary plan shall be consistent with the phasing schedule included in the approved sketch plan.

(b) ***Procedures:***

(1) *Submit application; pay fees:* A developer may apply for approval of a preliminary plan by submitting to the Department of Planning and Zoning:

(i) An application form;

(ii) The required number of copies of the preliminary plan, which shall be in accordance with the provisions of Subsection (c), "Required Information for Preliminary Plan," of this Section; and

(iii) The appropriate application fee.

(2) *Processing of application:* Processing of the application for approval of the preliminary plan will follow the general procedures outlined in Section 16.144, “General Procedures Regarding the Subdivision Process,” of this Subtitle.

(3) *Design Advisory Panel Review:*

(i) *Applicability.* This paragraph shall apply:

a. If the Department of Planning and Zoning determines that a preliminary plan is not consistent with an approved sketch plan; or

b. If a sketch plan is technically complete before November 3, 2008.

(ii) If applicable, a developer shall submit a project for review by the Design Advisory Panel and the Director of the Department of Planning and

Zoning may consider recommendations made by the Design Advisory Panel in accordance with Section 16.1504 of this Subtitle as a condition of plan approval for projects located on property subject to Design Advisory Panel review as set forth in Section 16.1501 of this Subtitle.

(4) *Approval binding on County*:

(i) *Applicability:* This Paragraph applies only to:

a. Subdivisions which:
1. Are conditionally exempt from the requirement for testing of adequate public facilities pursuant to Subtitle 11, "Adequate Public Facilities," of this Title; and
2. Had sketch plan approval prior to March 12, 1993; and
3. Met the milestone for submission of the preliminary plan.

b. Subdivisions which missed the milestone for submission of the final plan and have been resubmitted for approval at the last plan stage which had been approved before the milestone was missed.

(ii) *Binding for 7 years:* The preliminary plan is binding on the County for 7 years provided that the subdivision is processed in accordance with the schedule included in the approved plan and a final plan is submitted within:

a. 4 months of preliminary plan approval (subdivisions of 50 or fewer housing units);
b. 6 months of preliminary plan approval (subdivisions of 51-100 housing units);
c. 9 months of preliminary plan approval (subdivisions of 101 or more housing units);
d. 9 months of preliminary plan approval for nonresidential subdivisions.

(5) *Golf course redevelopment:* A developer who is proposing the redevelopment of a golf course shall comply with Section 16.129 of this Subtitle, and, for purposes of this Section, the terms "redevelopment" and "golf course" shall have the meaning set forth in Section 16.129 of this Subtitle.

(6) *File original tracings of approved preliminary plan:* The developer shall file original tracings of the approved preliminary plan with the Department of Planning and Zoning prior to the submission of the final plan. The original tracing shall be on a durable, reproducible of mylar or comparable material approved by the Department of Planning and Zoning.

(c) ***Required Information for Preliminary Plan:*** A checklist specifying the format for preliminary plan submission shall be provided by the Department of Planning and Zoning. The following information shall be required for all preliminary plans:

(1) The preliminary plan shall be submitted at a scale of 1 inch equals 100 feet, 1 inch equals 50 feet or as approved by the Department of Planning and Zoning and shall be clear and legible. The size of a sheet shall be 24 inches by 36 inches. When more than one sheet is required, an index sheet of the same size shall be submitted showing the entire subdivision drawn to scale.

(2) Vicinity map indicating the location of the property with respect to surrounding property and streets to an accurate scale.

(3) The names, liber, and folio of all adjoining unsubdivided property. If a recorded subdivision adjoins the land to be developed, the subdivision name, lot number, block number, and recording number shall be indicated with dashed lines.

(4) Title block shall be in the lower right-hand corner and include:

(i) Proposed subdivision name, which shall not be a duplicate of any subdivision or development name in the Baltimore Metropolitan Area;

(ii) Section number;

(iii) Scale of plan;

(iv) Location by election district, County, and State;

(v) Date; and

(vi) Tax map and parcel number.

(5) Name and address of the owner and/or developer and registered engineer or other professional person licensed in the State of Maryland responsible for the preparation of the plan; signature, and seal of engineer, or other professional person qualified by law and licensed in the State of Maryland to sign and seal the preliminary plan and corporation (if corporate developer) is required.

(6) North arrow.

(7) Boundary of proposed subdivision clearly indicated by a heavy line with bearings and distances.

(8) All existing pertinent features, either natural or manmade, on-site or within 200 feet of the project property line that may influence the design of the subdivision, including streamsbanks, wetlands , floodplains, required buffers, soil characteristics, forests or important trees, utility rights-of-way including maintenance easements, individual well and septic systems and shared sewage disposal systems, or existing buildings, structures, and burial grounds. Indicate the approximate age of any structure and whether it is to be retained or removed. A cemetery boundary documentation and accommodation plan shall be submitted, if

applicable pursuant to the requirements of Subtitle 13, "Cemetery Preservation," of this Title.

(9) Existing topography at 2-foot contour intervals. Contour lines shall be indicated 200 feet beyond subdivision boundary.

(10) Location, widths, and names of all streets or alleys on or adjoining the subdivision. Existing easements and streets which have been preliminarily approved or recorded but remain unimproved shall be indicated with dashed lines.

(11) The layout of all proposed streets, including widths of rights-of-way and pavements, widths and locations of sidewalks or paths, and general location of street trees.

(12) Location of existing and proposed utilities on or adjoining the tract, indicating approximate pipe sizes and directions of slopes. Include electric and telephone poles, street lights, and fire hydrants. If no hydrants, indicate provisions for fire protection.

(13) The layout of all proposed and existing lots with appropriate dimensions and minimum area in square feet (acres if lot size is greater than 60,000 square feet), Section number and area number, and required front, side, and rear setbacks except in the New Town district.

(14) All subdivisions shall be tied to the Maryland Coordinate System if control points and information are within one mile of proposed subdivision. Coordinate values needed on all points on the boundary of the preliminary plan shall be presented in tabular form. Original monument references may be obtained from the Department of Public Works.

(15) Lot numbers in numerical order throughout the entire subdivision for single-family lots. Apartment, condominium, commercial, industrial and bulk parcels will be designated by letters in alphabetical order.

(16) The approximate location, dimensions, and area of all property proposed to be reserved or temporarily reserved for public use, or reserved for the use of all property owners in the subdivision and the location, dimensions, and purposes of any proposed easements.

(17) Zoning district classification governing the subject tract and adjoining properties.

(18) Proposed drainage and storm water management systems including the type of structures, drainage easements, proposed changes in topography, the 100-year floodplain and any deviations from standards. Justification shall be provided for rejecting preferred storm water management measures in favor of less preferred methods unless predetermined by the Department of Planning and Zoning, after consultation with the Director of Public Works, and in accordance with the Design Manual.

(19) If a private sewage or water supply system or shared sewage disposal system is to be used, location and results of soil percolation tests and locations of water wells are to be indicated in accordance with the specifications of the Maryland State Department of Environment. Signature block for County Health Officer should be provided on the percolation plan or the plan sheets showing required well and septic information. No other sheets require signature by the Health Officer.

(20) Total number of lots, area of lots, and parcels, area of public roadway and open space dedications, and total area of subdivision should be listed.

(21) Locations and extent of proposed erosion and sediment control measures, as required, by the Howard County Soil Conservation District shall be shown.

(22) Soil map at the scale of the subdivision plan, with the boundary plotted and the mapping symbols indicated within the mapping boundaries.

(23) Preliminary forest conservation plan as described in Subtitle 12 of this Title.

(24) The following information shall accompany the submission of the preliminary plan in accordance with requirements contained in the Design Manual:

(i) Tentative profiles of each street center line and typical cross Section of each type of street.

(ii) Preliminary drainage area map and preliminary storm drainage study for the entire area covered by the preliminary subdivision plan. The storm drainage study shall include an evaluation of drainage structures and/or drainage systems, both upstream and downstream, affected by the drainage from the area covered by the preliminary plan as required by Section 16.133 of this Subtitle.

(iii) Preliminary grading plan showing limits of disturbance, grading for subdivision improvements and mass grading, if proposed. Schematic grading, for residential lots smaller than 20,000 square feet in area shall be shown to demonstrate that units can be accommodated without adverse drainage impacts or disturbance of floodplains, wetland and stream buffers, or proposed forest conservation easements.

(25) A traffic study shall accompany all preliminary plans for subdivisions which are required to pass the test for adequate road facilities pursuant to Subtitle 11, "Adequate Public Facilities," of this Title and have not yet been tested or have to be tested because of failure to meet a milestone.

(26) Preliminary landscape plan as described in Section 16.124(a)(3)(i) of this Title.

(27) In addition, preliminary plans for apartments shall include:

(i) Approximate location of each building, setbacks from all streets (public or private), property lines, and distances between buildings.

(ii) Number of apartment units in each building.

(iii) Number of parking spaces in each off-street parking area, and total number of parking spaces.

(iv) Interior road or street access, whether public or private, and total area of each.

(28) A developer who is proposing the redevelopment of a golf course shall comply with Section 16.129 of this Subtitle, and, for purposes of this Section, the terms "redevelopment" and "golf course" shall have the meaning set forth in Section 16.129 of this Subtitle.

Section 16.147. Final Subdivision Plan and Final Plat.

(a) ***Purpose:*** The final subdivision plan is the culmination of the subdivision process and shall include all information necessary to comply with Subsection (c), "Required Information for Final Plat"; (d) "Construction Drawings, Documents and Specifications"; (e), "Developer's Agreement"; and (f), "Major Facilities Agreement," of this Section. The final plat becomes the official record of the division of land, and no lot within the subdivision may be sold legally until a final plat has been approved and recorded by the Department of Planning and Zoning. The extent of a phased subdivision included in each final subdivision plan shall be consistent with the phasing schedule included in the approved sketch plan.

(b) ***Procedures:***

(1) *Pre-submission community meeting for minor subdivisions:* If the initial plan submittal for a residential subdivision is a final plan located in the planned service area for water and sewer, the developer of the subdivision is required to hold a pre-submission community meeting in accordance with Section 16.128 of this Subtitle.

(2) *Design Advisory Panel Review:* If the Department of Planning and Zoning determines that a final plan is not consistent with an approved sketch or preliminary plan, a developer shall submit the project for review by the Design Advisory Panel and the Director of the Department of Planning and Zoning may consider recommendations made by the Design Advisory Panel in accordance with Section 16.1504 of this Subtitle as a condition of plan approval for projects located on property subject to Design Advisory Panel review as set forth in Section 16.1501 of this Subtitle.

(3) *Submit application; pay fees:* A developer applies for approval of a final plan by submitting the following items to the Department of Planning and Zoning for the entire parcel or for phased subdivisions, the phase being subdivided:

(i) An application form;

(ii) The required number of copies of the final plan, which shall be in accordance with the provisions of this Section; and

(iii) The appropriate application fee.

(4) *Notice of new residential minor subdivisions and resubdivisions:*

(i) *Requirement to give public notice:* If the final plan submission is the initial plan submittal for new residential development and is submitted after November 15, 2001, within 3 working days of the plan's submission the developer shall post public notice on the property.

(ii) *Location*: The posters provided by the Department of Planning and Zoning shall be posted at the site of the proposed development entrance so that community residents may reasonably be expected to see it.

(iii) *Duration:* The notice shall remain in place at least 30 days.

(iv) *Content:* The notice shall:

a. State that a new residential development is proposed to be constructed at the site.
b. Give the final plan number.
c. Indicate that the plan is available for inspection at the Department of Planning and Zoning.

(v) *No Delay:* The notification requirements of this Subsection shall not be construed to delay the normal processing of the plan.

(5) *Processing of application:* Processing of the application for approval of the final plan will follow the general procedures outlined in Section 16.144, "General procedures regarding the subdivision process," of this Subtitle.

(6) *Golf Course Redevelopment:* A developer who is proposing the redevelopment of a golf course shall comply with Section 16.129 of this Subtitle, and, for purposes of this Section, the terms "redevelopment" and "golf course" shall have the meaning set forth in Section 16.129 of this Subtitle.

(7) *Fee Simple Dedication of open space:* If dedication of open space to the County or a homeowner's association is proposed, the developer shall submit an original

deed to the County prior to recordation of the final plat, granting good and sufficient fee simple title to all open space required to be dedicated

(8) *Dedication of Easements:* If dedication of easements for water, sewer, storm drainage, public storm water management facilities, shared septic facilities, other public utilities, forest conservation, floodplains or preservation parcels is proposed, the developer shall submit original deeds (or declaration of covenants in the case of shared septic facilities) to the County prior to the recordation of the final plat, granting the required easements.

(9) *Recordation:* The Department of Planning and Zoning shall record the final plat in the land records of Howard County and shall notify the developer by mail of the date of recording and the plat number. For resubdivisions and correction plats, the Department of Planning and Zoning shall also record a notation in the form of a resolution that references the revised plat to be affixed to the previously recorded lot or lots.

(c) ***Required Information for Final Plat:*** A checklist specifying the required format for final plat submission shall be provided by the Department of Planning and Zoning. The final plat shall be clearly and legibly drawn in black waterproof ink on a reproducible linen of good quality or comparable material approved by the Howard County Department of Planning and Zoning and shall conform to the plat requirements of the Annotated Code of Maryland, as amended. The size of the plat shall be 18 inches by 24 inches, including a 1.5-inch margin for binding along the left-hand edge and 0.5-inch margins on all other sides. Scale shall be 1 inch equals 100 feet, 1 inch equals 50 feet, 1 inch equals 30 feet, or as approved by the Department of Planning and Zoning. Where necessary, the final plat may be on several sheets accompanied by an index sheet showing the entire subdivision submitted. Information to be shown on the final plat shall include:

(1) The title block shall appear in the lower right-hand corner and include:

(i) Name of the subdivision. The name approved by the Department of Planning and Zoning and recorded in the land records shall constitute the subdivision's official and only name. No other name may be used for advertising or sales purpose unless an approved and amended plat is recorded bearing the revised name.

(ii) Section, area (if any), and lot numbers.

(iii) Scale and date of application.

(iv) Location by election district, County, State, tax map reference.

(v) Current zoning and previous Department of Planning and Zoning subdivision file numbers.

(2) An approval block in the form required by the Department of Planning and Zoning shall be provided in the lower left-hand corner of the plat for signature of County agencies.

(3) Tabulation of final plat (above approval block) showing the following:

(i) Total number of lots and/or parcels to be recorded;

(ii) Total area of lots and/or parcels;

(iii) Total area of roadways to be recorded including widening strips; and

(iv) Total area of subdivision to be recorded.

(4) A heavy line indicating the boundary of the final plat with lengths of courses to hundredths of a foot and bearings relating to the Maryland State Plane Coordinate System to a minimum accuracy of 15 seconds, if Howard County geodetic survey control points and information are within one mile of proposed subdivision. A note shall be placed on the plat indicating the source of the Maryland State Plane Coordinate System.

(5) Coordinate information for all property lines, streets, public right-of-way lines, outside boundary of plat and all other locations as required by the Department of Planning and Zoning and shall be in tabular form.

The lengths of all arcs, radii, points of curvature, and cord and tangent bearings and distances in table form.

(6) Howard County geodetic control survey stations located on the site shall be accurately located. Any geodetic control stations that need relocation shall be identified.

(7) Exact locations, widths, bearings, and names of all streets and widths of all alleys and pedestrian ways within the subdivision or adjoining subdivision abutting on the outline of the subdivision.

(8) All rights-of-way, easements, and reservations, including:

(i) Easements to fulfill the requirements of the final forest conservation plan as required by Subtitle 12 of this Title; as well as

(ii) Preservation parcel easements for cluster subdivisions in the RC or RR zoning districts and, where a shared sewage disposal facility is to be used, access and maintenance easements for all components of the facility, including easements for septic tanks and piping on private lots and easements for a subsurface wastewater disposal area.

(iii) Easements for water, sewer, storm drainage, public storm water management facilities, other public utilities, floodplains and maintenance of use-in-common driveways.

(iv) All existing and proposed easements shall be shaded and indicated with recording references if existing.

(9) All lot lines with dimensions in feet and hundredths, and with bearings to a minimum accuracy of 15 seconds.

(10) Minimum area of each lot in square feet or in acres if lot size is greater than 60,000 square feet. Steep slopes shall be calculated using existing topography.

(11) Lot numbers in numerical order throughout the entire subdivision. For a resubdivision, resubdivided lots shall be numbered numerically, beginning with number following the highest original lot number with the original lot lines shown dashed and original lot number dotted. Apartment, condominium, nonresidential and bulk parcels will be lettered in alphabetical order. For a resubdivision of any parcel, the letter will be retained with a number to follow the letter (example "A-1"); the original parcel lines shown dashed; and original parcel letter dotted.

(12) Front, rear, and side building setback or restriction lines shown graphically with dimensions for each lot except in the New Town district.

(13) Vicinity map, indicating the location of the property with respect to surrounding property and streets and the location of nearby survey monuments of the Howard County geodetic control.

(14) The names, liber, and folio of all adjoining unsubdivided property. Where a recorded division adjoins the land to be developed, the subdivision name, lot number, and recording reference of the recorded division should be indicated with dashed line.

(15) North arrow drawn through one of the property corners of the subdivision.

(16) Accurate outlines of any open space to be dedicated to the County or reserved for common use by occupants of the subdivision with ownership noted.

(17) The location of floodplains, wetlands, wetland buffers, stream buffers and proposed wetlands creation, if any. Floodplain and wetlands delineations are not required for agricultural preservation subdivisions or rural cluster subdivisions if the owner submits a certification by an authorized professional that lots and driveways will not impact wetlands, wetland buffers, or floodplains. A cemetery boundary documentation and accommodation plan shall be submitted, if applicable pursuant to the requirements of Subtitle 13, "Cemetery Preservation," of this Title.

(18) The location and approximate age of any burial grounds or existing structures and whether structures are to be retained or removed.

(19) If a private sewage system or a shared sewage disposal facility is to be used, locations of soil percolation tests are to be indicated in accordance with the specifications of the Maryland State Department of the Environment. A cross-hatched area will be noted on the final plat to indicate the private sewage easement area along with the following statement:

"This area designates a private sewage easement of at least 10,000 square feet (or 10,000 square feet per lot for shared drain fields associated with a shared sewage disposal facility) as required by the Maryland State Department of the Environment Subdivision Regulations (COMAR 26.04.03). Improvements of any nature in this area are restricted unless public sewage becomes available. These easements shall become null and void upon connection to a public sewage system. The County Health Officer shall have the authority to grant variances for encroachments into the private sewage easement. Recordation of a modified sewage easement shall not be necessary."

(20) A certification that the developer is the owner or equitable owner of the land proposed to be subdivided shall be noted on the final plat as follows:

SURVEYOR'S CERTIFICATE

"I hereby certify that the final plat shown hereon is correct; that it is a subdivision of_part of/all of_ the lands conveyed. By (previous owner) to (present owner) by deed dated (date) and recorded in the land records of Howard County in liber_, folio_, and that all monuments are in place or will be in place prior to the acceptance of the streets in the subdivision by Howard County as shown, in accordance with the Annotated Code of Maryland, as amended."

_____ _____

Date Registered Land Surveyor/Property Line Surveyor

(21) A certification by the owner or owners of property to the effect that the subdivision as shown on the final plat is made with his consent and that it is the owner(s) desire to record the same and shall be noted on the final plat as follows:

DEDICATION FOR INDIVIDUALS

"We _____, and _____ owners, of the property shown and described hereon, hereby adopt this plan of subdivision, and in consideration of the approval of this final plat by the Department of Planning and Zoning, establish the minimum building restriction lines and grant unto Howard County, Maryland, its successors and assigns:

(1) The right to lay, construct and maintain sewers, drains, water pipes and other municipal utilities and services, in and under all roads and street rights-of-way and the specific easement areas shown hereon;

(2) The right to require dedication for public use the beds of the streets and/or roads and floodplains and open space where applicable, and for good and other valuable consideration, hereby grant the right and option to Howard County to acquire the fee simple title to the beds of the streets and/or roads and floodplains, storm drainage facilities and open space where applicable;

(3) The right to require dedication of waterways and drainage easements for the specific purpose of their construction, repair and maintenance; and

(4) That no building or similar structure of any kind shall be erected on or over the said easements and right-of-ways.

Witness my/our hands this _____ day of _____, 20_____."

DEDICATION FOR CORPORATIONS

" (Name of corporation) , a (name and State) corporation by _____ authorized agent _____, secretary, owner of the property _____ shown and described hereon, hereby adopted this plan of subdivision, and in consideration of the approval of this final plat by the Department of Planning and Zoning, establish the minimum building restriction lines and grant unto Howard County, Maryland, its successors and assigns:

(1) The right to lay, construct and maintain sewers, drains, water pipes and other municipal utilities and services, in and under all roads and street rights-of-way and the specific easement shown hereon;

(2) The right to require dedication for public use the beds of the streets and/or roads, and floodplains and open space where applicable and for good and other valuable consideration, hereby grant the right and option to Howard County to acquire the fee simple title to the beds of the street and/or roads and floodplains, storm drainage facilities and open space where applicable; and

(3) The right to require dedication of waterways and drainage easements for the specific purpose of their construction, repair and maintenance; and

(4) That no building or similar structure of any kind shall be erected on or over the said easements and right-of-ways.

Witness my/our hands this _____ day of _____, 20_____.

_____
(NAME OF CORPORATION)

(Corporate Seal) By: _____
(AUTHORIZED AGENT)

ATTEST: _____
(SECRETARY)"

(Note: Names shall be located on plat so that the seal can be affixed.)

(22) When a division of land is a minor subdivision or resubdivision and there are no public dedications involved, the following owners' certification may be noted on the plat as follows:

ALTERNATE DEDICATION CERTIFICATE

"We, _____ and _____, owners of the property shown and described hereon, hereby adopt this plan of subdivision; and in consideration of the approval of this plat by the Department of Planning and Zoning establish the minimum building restriction lines. All easements of [or] rights-of-way affecting the property are included in this plan of subdivision.

Witness my/our hand/s this _____ day of _____, 20_____."

(23) References for protective covenants, including covenants governing the maintenance of undedicated public spaces, reservations, or forest conservation areas.

(24) Where appropriate, open space dedication to a homeowner's association shall be noted on the final plat in accordance with Section 16.121(c) as follows:

OPEN SPACE DEDICATION

"The open space shown hereon is hereby dedicated to a property owners association for the residents of this subdivision and recording references of the Articles of Incorporation and restrictions are shown hereon."

(25) For cluster subdivisions in the RC or RR zoning districts, reference the protective covenants governing the use of preservation parcels.

(26) For a density exchange or a cluster exchange subdivision in the RC or RR zoning districts, provide:

(i) References on the receiving subdivision plat for the sending parcel subdivision(s).

(ii) References on the sending subdivision plat(s) to the receiving subdivision plat(s), the number of lots exchanged and whether any density remains on the sending plat.

(iii) The following certification on the sending parcel easement plat:

SURVEYOR'S CERTIFICATE FOR DEO SENDING PARCEL

I hereby certify that the final easement plat shown hereon is correct; that it defines a preservation parcel easement of___ acres on (all/part) of the land conveyed by (previous owner) to (present owner) by deed dated (date) and recorded in the land records of Howard County in liber___, folio___. All monuments are in place.

_____ _____

Date Registered Land Surveyor/
Property Line Surveyor

(27) If a subdivision consisting of lots smaller than 3 acres each is in a planned service area for sewer as specified in the Howard County Master Plan for Water and Sewerage, and individual on-site sewage disposal systems are used but an adequate community sewer system will be available within a 5-year period, the following statement shall appear on the final plat:

"Interim individual on-site sewage disposal systems may be utilized in the subdivision for a maximum of 1 year after an adequate community sewer system becomes available."

(28) If a subdivision consisting of lots smaller than 3 acres each is in a planned service area for water as specified in the Howard County Master Plan for Sewerage, and individual interim water wells are used, but an adequate community water system will be available within a 5-year period, the following statement shall appear on the final plat:

"Interim individual water wells may be utilized in the subdivision for a maximum of 1 year after an adequate community water system becomes available."

(29) A certification by the developer that there are no burial grounds on the property being subdivided, or if there are burial grounds on the property being subdivided, a certification that the burial grounds have not and will not be disturbed except as permitted by State law.

(30) Certification by a qualified professional that:

(i) There are no wetlands on site that will be disturbed and require 401 and 404 wetlands permits from the State of Maryland; or

(ii) Reference the numbers of 401 and 404 wetlands permits that have been approved and any wetlands mitigation requirements.

If mitigation is required indicate the type, amount and proposed location.

(31) Parcel and right of way boundaries in a digital format that meets County standards to be submitted with the final plat original mylar.

(32) For residential developments required to hold a pre-submission community meeting in accordance with Section 16.128 of this Title, a certification that meeting notices were mailed and a summary of the comments made at the meeting.

(33) For residential development projects requesting green neighborhood allocations, the final plan shall demonstrate how the project will comply with the green neighborhood site portion of the green neighborhood checklist. The final plat shall indicate that the development has obtained green neighborhood allocations and shall indicate that during the building permit process all buildings within the residential development project shall comply with the green neighborhood home portion of the green neighborhood checklist.

(34) A developer who is proposing the redevelopment of a golf course shall comply with Section 16.129 of this Subtitle, and, for purposes of this Section, the terms "redevelopment" and "golf course" shall have the meaning set forth in Section 16.129 of this Subtitle.

(d) ***Construction Drawings, Documents and Specifications:*** The developer shall file concurrent with the submission of the final plat all of the construction drawings and documents to complete construction of streets, storm drains, and storm water management facilities, together with all necessary appurtenances thereto in accordance with procedures and criteria contained in the Design Manual. The developer shall prepare and submit copies as required to the Department of Planning and Zoning:

(1) A forest conservation plan, including the locations and specifications for forest retention, reforestation or afforestation.

(2) A landscape plan, including locations and specifications for required landscape planting and street trees.

(3) A final drainage area map.

(4) A final storm drainage plan.

(5) A final storm water management plan.

(6) A final grading plan, showing grading for all subdivision improvements, and, where applicable, mass grading, and the location of sewage disposal easements within 25 feet of the limits of disturbance.

(7) A final sediment control plan for the entire project area to be recorded and for any adjacent area affected by the area to be recorded, including:

(i) The location of forest protection measures, temporary and permanent sediment control measures and vegetative stabilization.

(ii) The construction sequence for providing forest protection measures and adequate sediment control measures to prevent off-site damage.

(iii) Specifications for seeding or sodding and fertilizing, a schedule for grading, seeding or sodding and planting, and applicable structural measures, such as ponds.

(8) Wetlands mitigation plan and specifications, if required.

(9) Complete project specifications when they differ from Howard County standards.

(10) The developer shall furnish any design data and computations as required and in the form and procedures established by the Department of Planning and Zoning and the Howard Soil Conservation District.

(11) A tabulated estimate of all quantities and costs, including contingent items related to the construction of all required public improvements.

(12) A traffic study shall accompany all final plans for subdivisions which are required to pass the test for adequate road facilities pursuant to Subtitle 11, "Adequate Public Facilities," of this Title and have not yet been tested or have to be tested because of failure to meet a milestone.

(13) A final shared sewage disposal facility plan, where a shared sewage disposal facility is to be used for cluster subdivisions in the RR and RC districts.

(14) For developments where the required open space will be owned and managed by a home owner's association, Articles of Incorporation and Covenants for the home owner's association are required, as well as the Deed granting fee simple ownership of the open space to the Home owner's association.

(e) ***Developer's Agreement:*** After final plan approval and signature approval of all construction drawings and prior to the submission of the original final plat, the developer shall post with the County all necessary monies and file a developer's agreement and if required, a major facilities agreement and/or a shared sewage disposal facility developer agreement. The developer's agreement(s) shall cover financial obligations with appropriate security guaranteeing installation of all required improvements, installation and warranty of a shared sewage disposal facility on a cluster subdivision in the RR or RC zoning district, and fulfillment of the protection and management requirements of the approved forest conservation plan. The agreement may provide that the developer may be

partially released from the surety requirements of the agreement upon partial completion of the work in accordance with criteria established by the Department of Public Works.

The Director of the Department of Planning and Zoning may authorize submission of the original final plat if the developer agreement is not complete, but is in process and can be fully executed in a timely manner.

(f) ***Major Facilities Agreement:*** After final plat approval and prior to the submission of the original final plat, the developer shall post with the County all necessary monies and file a major facilities agreement covering the installation of all public improvements included as mitigation to road facilities pursuant to Subtitle 11, "Adequate Public Facilities" of this Title.

Sections 16.148--16.153. Reserved.

Article V.

Procedures for Filing and Processing Site Development Plan Applications

Section 16.154. Purpose.

The purpose of the site development plan is to indicate the location and construction specifications for buildings, structures, paved areas, grading, drainage, on-site utilities, sidewalks, trails, required forest conservation area, landscaping and other improvements within a site proposed for development.

Section 16.155. Applicability.

(a) ***A site development plan, approved by the Department of Planning and Zoning, is required for***:

(1) *Nonresidential:*

(i) New or expanded nonresidential development, including commercial, industrial, institutional and utility development, plus public buildings, schools and other public facilities, but excluding road, water, sewer or drainage improvements and development associated with a use permit approved by the Department in accordance with Section 128 of the Zoning Regulations.

(ii) Any establishment of a use or change in use, unless the Department of Planning and Zoning determines that the establishment or change in use will cause less than 5,000 square feet of site disturbance, that no significant alteration to access, parking, circulation, drainage, landscaping, structures, or other site features is required, and that the proposed use does not qualify as redevelopment that requires stormwater management in accordance with the Design Manual.

(2) *Residential:* New Residential development as follows:

(i) Single-family attached, apartment, and mobile home residential development;

(ii) Development of single-family detached residential lots and deeded parcels within the Planned Service Area for both public water and sewer, except that lots in recorded subdivisions created before February 7, 1976 are exempt from site development plan requirements unless more than 5,000 square feet of disturbance is proposed and the lots have not been reconfigured or merged through the recordation of a plat recorded on or after February 7, 1976; and

(iii) Residential lots with New Town zoning, not meeting the requirements of subparagraphs (i) or (ii) of this Paragraph, where the final development plan criteria require submission of a site development plan.

(3) *Conditional Use:* All conditional uses in commercial or industrial districts. In other districts, the Department of Planning and Zoning may require a site development plan for conditional uses which require exterior site improvements.

(b) For residential development not listed in (a) above, a plot plan shall be submitted in conjunction with the building permit application and in accordance with the requirements of the Department of Inspections, Licenses and Permits.

Section 16.156. Procedures.

(a) ***Pre-submission community meetings, Required****: Pre-submission community meetings in accordance with Section 16.128 of this Subtitle are required for the following site plan submittals:*

(1) If the initial plan submittal for a residential development is a site development plan; or

(2) If the site development plan submittal is for:

a. A new non-residential development located within 200 feet of a residential zoning district; or

b. An existing non-residential development which is located within 200 feet of a residential zoning district and proposed for a floor area expansion of more than 25 percent.

[CB 36-2009, 39-2009, eff. 10/4/09]

(b) ***Design Advisory Panel:***

(1) *Review.* If required by Paragraphs (2), (3) and (4) of this Subsection, a developer shall submit a project for review by the Design Advisory Panel and the Director of the Department of Planning and Zoning may consider recommendations made by the Design Advisory Panel in accordance with Section 16.1504 of this Subtitle as a condition of plan approval for projects located on property subject to Design Advisory Panel review as set forth in Section 16.1501 of this Subtitle.

(2) *Site development plans submitted on or after November 3, 2008*. For site development plans submitted on or after November 3, 2008, a developer shall submit the project for Design Advisory Panel review prior to submission of the site development plan.

(3) *Sketch plans technically complete before November 3, 2008*. For sketch plans that are technically complete before November 3, 2008, a developer shall submit the project for Design Advisory Panel review as a condition of approval of the site development plan.

(4) *Further review required*. If the Director of Planning and Zoning determines that a site development plan is not consistent with the plan initially reviewed by the Panel, the Director of Planning and Zoning may require additional review by the Panel prior to plan approval.

(c) ***Application:*** The applicant for a site development plan shall submit the following to the Department of Planning and Zoning:

(1) Completed application form.

(2) The required number of copies of the site development plan, in accordance with the information requirements of Section 16.157.

(3) For commercial or industrial plans:

(i) Completed wastewater questionnaire.

(ii) At the specific request of the Department of Public Works, additional information regarding proposed industrial processes and wastewater characteristics.

(iii) A statement signed by the applicant agreeing to abide by the requirements of Section 18.122A, "Regulation of Discharges to the Public Sewerage System" of this Code.

(4) Compliance with green buildings law. A site development plan application for a project that is required to comply with the Howard County Green Buildings Law, set forth in Title 3, Subtitle 10 of this Code, shall comply with Section 3.1005(A) of this Code prior to approval of the plan.

(d) ***Fees:*** The applicant for a site development plan shall pay an appropriate fee pursuant to the fee schedule adopted by resolution of the County Council.

(e) ***Notice of New Residential Developments:***

(1) *Requirement to give public notice:* If the site development plan is the initial plan submittal for a new residential development and is submitted after November 15, 2001, within 3 working days of the plan's submission the developer shall post public notice on the property.

(2) *Location:* Posters provided by the Department of Planning and Zoning shall be posted at the site of the proposed roadway entrances so that local residents may reasonably be expected to see them.

(3) *Duration:* The notice shall remain in place at least 30 days.

(4) *Content:* The notice shall:

(i) State that a roadway entrance is proposed to be constructed at the site.

(ii) Give the site development plan number.

(iii) Indicate that the site development plan is available for inspection at the Department of Planning and Zoning.

(f) ***Notice to Nonconforming Residential Properties:*** Whenever a site plan is submitted for nonresidential development which adjoins nonconforming residential properties, the owner of the nonconforming residential properties shall be notified within 14 working days by the Department of Planning and Zoning, by registered mail, that the proposed site plan is available for inspection at the Department of Planning and Zoning. The notification letter shall state that owner of adjoining nonconforming residential properties may appeal the decision of the Department of Planning and Zoning on the site plan to the Board of Appeals of Howard County within 30 days.

(g) ***Report of Review Committee; Additional Information:***

(1) Within 60 days of active processing time from submission of the site development plan, the Department of Planning and Zoning shall provide the developer with a written report of the findings of the review committee including the comments of the review committee and its recommendations.

(2) If the Department of Planning and Zoning or the review committee indicates that additional information is needed in order to decide whether to approve the plan, the developer shall provide the information within 45 days of receiving such indication.

(h) ***Golf Course Redevelopment:*** A developer who is proposing the redevelopment of a golf course shall comply with Section 16.129 of this Subtitle, and, for purposes of this Section, the terms “redevelopment” and “golf course” shall have the meaning set forth in Section 16.129 of this Subtitle.

(i) ***Approval/Denial of Site Development Plan:***

(1) Within 60 days of active processing time from submission of the site development plan or, if additional information was requested, within 45 days of receiving the information, the Department of Planning and Zoning shall indicate to the developer in writing whether the site development plan is approved, approved with modifications or denied.

(2) If the site development plan is approved or approved with modifications, this notice shall serve as authority to proceed to submission of the site development plan originals, except for projects which require Planning Board approval.

(j) ***Planning Board Approval:***

(1) When the site development plan also requires Planning Board approval, the Department of Planning and Zoning shall advise the developer of the location, time and date of the Planning Board meeting when it notifies the developer that the site development plan has been approved or approved with modifications by the Department.

(2) The Planning Board shall indicate to the developer in writing whether the site development plan is approved, approved with modifications or denied.

(k) ***Developer Agreements; Major Facilities Agreements:*** Concurrent with the approval of the site development plan, the developer shall execute the developer agreement(s) and major facilities agreement, if any, for required improvements and, where applicable, for fulfillment of the protection and management requirements of the approved forest conservation plan. The agreement may provide that the developer may be partially released from the surety requirements upon partial completion of the work in accordance with criteria established by the Department of Public Works.

(l) ***Payment of Fees; Posting of Financial Obligations:*** Within 180 days of receiving approval of the site development plan the developer shall:

(1) Pay all required fees to the County; and

(2) If subject to a developer agreement or major facility agreement. Post all monies and/or file appropriate surety covering the developer's financial obligations for the required improvements.

(m) ***Submission of Originals for Signature:*** Within 180 days of approval of the site development plan, the developer shall submit the original mylar plans corrected to meet the requirements of the various State and County agencies and the Planning Board (if required by the Zoning Regulations). The Department of Planning and Zoning shall coordinate the signature process associated with approval of the site development plan. If the corrected originals are not submitted within 180 days of approval of the site development plan, the approval will expire and a new site development plan submission will be required.

(n) ***Retention of Originals:*** Once signed, the site development plan originals will be retained in the files of the Department of Public Works.

(o) ***Building Permits:***

(1) *Application time limits:*

(i) Within 1 year of signature approval of the site development plan original, the developer shall apply to the Department of Inspections, Licenses and Permits for building permits to initiate construction on the site.

(ii) For single family attached, apartment and nonresidential developments involving multiple buildings or staged construction, the developer shall apply for building permits for all construction authorized by the approved site development plan within 2 years of signature approval.

(iii) For single family detached site development plans involving multiple lots, the developer shall apply for building permits for all construction authorized by the approved site development plan within 5 years of approval.

(2) *Expiration of plan approval:* If the developer does not apply for building permits as required by Paragraph (1) of this Subsection, the site development plan shall expire and a new site development plan submission will be required.

(3) *Prerequisites for building permit:* No building permit shall be issued unless:

(i) Signature approval of the site development plan original is complete.

(ii) The permit is in accordance with the approved site development plan.

(iii) The proposed uses and the related site improvements as shown on the site development plan do not create a violation of the Howard County Zoning Regulations.

(p) ***Certificate of Use and Occupancy:*** Where grading has occurred which requires a grading permit, the Department of Inspections, Licenses and Permits shall not issue a certificate of use and occupancy unless a certification from a registered land surveyor has been submitted which certifies that the site has been graded and the drainage courses have been developed in accordance with the approved site development plan or, if none, the approved grading plan and sediment control plan.

(q) ***Signs:*** Approval of a site development plan does not constitute approval of the erection of any signs shown on the plan.

Section 16.157. Required Information for Site Development Plans.

Applications for site development plans shall conform to a checklist prepared by the Department of Planning and Zoning which shall indicate the format of the plan, the information to be provided, etc. The site development plan shall show the existing information and proposed improvements with sufficient detail for agency review and approval and subsequent construction. A checklist may include, but shall not be limited to, the following requirements:

(a) ***General:***

(1) Plan shall be prepared on base sheets 24’ by 36’ of a material approved by the Department of Planning and Zoning.

(2) The scale of the drawings shall be from 1” equals 10’ to 1’ equals 50’, or as approved by the Department of Planning and Zoning.

(3) There shall be a title block including:

(i) Tax map number and lot or parcel numbers;
(ii) Plat, parcel, or property name;
(iii) Section and area, if appropriate;
(iv) Election district;
(v) Owner's name, address, and telephone number;
(vi) Scale; and
(vii) Date.

(4) Howard County approval signature blocks on all sheets.

(5) Seal and original signature of authorized registered professional designing the plans.

(6) Name, address and telephone number of the plan designer.

(b) ***Information About Existing Conditions:***

(1) Vicinity map showing property location in relation to access roads with scale and north arrow;

(2) Existing topography 2-foot contour intervals for proposed parcel and adjacent properties;

(3) Coordinate grids and ticks;

(4) 100-year floodplains;

(5) Wooded areas and major trees, including a forest stand delineation, if required;

(6) Buildings and structures, including sewage pretreatment structures;

(7) Utilities and fire hydrants;

(8) Existing roads and/or rights-of-way and other paving, scenic roads, trails, and proposed State or County rights-of-way;

(9) Existing and proposed County parks, schools, or other public facilities;

(10) Easements of record with recording reference;

(11) Ponds, wetlands, wetlands buffers, streams and stream buffers;

(12) Howard County survey control stations shall be plotted accurately, identifying any that require relocation;

(13) Accurately plotted lot or parcel showing property lines with bearings and distances;

(14) North arrow;

(15) Identification and zoning of adjacent properties;

(16) The location and approximate age of any existing structure and whether the structure is to be retained or removed;

(17) The boundaries of burial grounds with a certification by the developer that the burial grounds have not and will not be disturbed except as permitted by law, or a certification that there are no burial grounds on the property being developed; a cemetery boundary documentation and accommodation plan shall be submitted, if applicable pursuant to the requirements of Subtitle 13, "Cemetery Preservation," of this Title;

(18) Legend; and

(19) General information, to include:

(i) Existing zoning;
(ii) Subdivision or final development plan reference, if appropriate;
(iii) Total area of submission;
(iv) Approved street names and numbers; and
(v) Other specific information as may be required by the zoning ordinance, including structure and use setbacks.

(20) A developer who is proposing the redevelopment of a golf course shall comply with Section 16.129 of this Subtitle, and, for purposes of this Section, the terms “redevelopment” and “golf course” shall have the meaning set forth in Section 16.129 of this Subtitle.

(c) ***Information Concerning Proposed Improvements:***

(1) Locations, size, and height of all proposed buildings and structures, including sewage pretreatment structures. Indicate if buildings will have an automatic fire protection sprinkler system.

(2) Location and type of all proposed paving, parking, driveways, roads, trails and walkways.

(3) Location and size of all proposed utilities, including fire hydrants or provisions for a static fire protection system, if required.

(4) Proposed easements including utility or use-in-common driveway maintenance easements and state or County rights-of-way.

(5) Proposed County parks, schools, or other public facilities.

(6) Proposed grading with all pertinent elevations, proposed contours, drainage areas, stormwater management measures, drainage arrows, and wetlands creation if any.

(7) Sediment and erosion control measures.

(8) Existing topographic features to be retained.

(9) Forest conservation plan, if required, and all proposed landscaping.

(10) Construction details for proposed improvements or reference to approved standard construction details.

(11) Howard County reference numbers to information from other approved plans, such as water and sewer contracts or road construction plans.

(12) Additional notes, computations, dimensions in compliance with laws and regulations.

(13) A traffic study for all site development plans which are required to pass the test for adequate road facilities pursuant to Subtitle 11, "Adequate Public Facilities," of this Title.

(14) For development of a site abutting a scenic road, perspective sketches, elevations or cross sections of the proposed development as viewed from the scenic road, showing the relationship of development to the scenic character of the landscape as viewed from the road, unless this information was submitted during the subdivision process.

(15) For developments required to hold a pre-submission community meeting in accordance with Sections 16.128 and 16.156(a) of this Subtitle, a certification that meeting notices were mailed and a summary of the comments made at the meeting.

(16) For residential development projects requesting green neighborhood allocations, the site development plan shall demonstrate how the project will comply with the green neighborhood site portion of the green neighborhood checklist. The site development plan shall indicate that the development has obtained green neighborhood allocations and shall indicate that during the building permit process all buildings within the residential development project shall comply with the green neighborhood home portion of the green neighborhood checklist.