

SUBDIVISION POLICY 92-1
PLANNING COMMISSION POLICY

RE: In-House Processing of Subdivision Plats

1. Subdivision of Properties Containing Existing Structures, (including resubdivision of recorded lots where structures were lawfully erected)
2. Subdivision Subsequent to Site Plan Approval

Purpose: To Delegate Authority to Staff for Approval of Certain Types of Subdivisions:

1. Creating building lots around lawfully erected, existing principal structures; and
2. Around principal structures built or shown on approved site plans

Background/Justification

- * Current subdivision processing procedures, adopted by the Planning Commission on October 16, 1991, do not allow for expedited review of subdivision plats where building lots are created around existing structures or around proposed structures shown on approved site plans. These types of subdivisions should not require the full, formal review as prescribed in the processing procedures because: (i) sites containing existing, lawfully erected structures have already been reviewed and received approvals from applicable agencies via the permit process; and (ii) structures contained on an approved site plan receive full TEC and Planning Commission review via the site plan approval process.
- * Creation of building sites around existing structures (regardless of the number of lots proposed or prior lots taken off of the parent parcel) should be subject to TEC review, with the applicant providing the evidence that all existing structures were lawfully erected. Formal TEC review will ensure that all applicable agencies have the opportunity to provide written comments on the proposed subdivision. Noncomplying situations shall not be created by such subdivisions, nor should any increase in noncompliance be permitted (e.g. creation of a noncomplying building setback or additional building site which exceeds density allowances).
- * If a site plan approval is required and subdivision is also intended, the site plan and subdivision plat should be processed concurrently to allow for a comprehensive overview of site development and to optimize the review timetable. The Subdivision Regulations and Zoning Ordinance encourage the concurrent processing approach: Section 4.09 (A) "Nonresidential Subdivision" and Section 4.12 "Cluster Development" (Subdivision Regulations); Sections 38.05 (9) and 67.02 "Planned Unit Development" (Zoning Ordinance). The site plan and subdivision submissions should be made simultaneously, but as separate submissions.

Draft Planning Commission Policy
Subject: In-House Subdivision Approval

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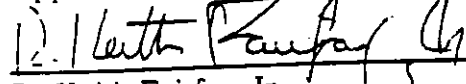
- * If a record plat is not processed in conjunction with the site plan, but is filed for review prior to expiration of the approved site plan, the subdivision plat may be approved administratively (regardless of the number of lots proposed or prior lots taken off of the parent parcel), without formal TEC or Planning Commission review. The rationale for an expedited review is that site development was reviewed through the site plan approval process.
- * If a record plat is not filed for review prior to expiration of the approved site plan, the subdivision proposal must be viewed as a separate application and should be processed via formal TEC and Planning Commission review.

Action Required

Staff is hereby delegated authority from the Planning Commission for administrative approval of subdivision plats:

- (1) containing existing, lawfully erected principal structures, provided that a full, formal TEC review of the proposed subdivision (according to the "Basic" subdivision procedure) shall precede the in-house approval; and,
- (2) in accordance with Planning Commission site plan approval, provided that the original TEC review of the site plan and Planning Commission approval of the site plan include findings that future subdivision around proposed structures would be approvable. The subdivision plat shall be submitted for review prior to expiration of the approved site plan, and does not change the approved site development or number of units; and
- (3) provided the subdivision does not create new noncomplying situations.

Approved:



R. Keith Fairfax, Jr.
Chairman

Date of Decision: April 13, 1992

PCINHS

ATTACHMENT

policy
92-1

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**MINUTES OF THE ST. MARY'S COUNTY PLANNING COMMISSION MEETING
CHESAPEAKE BUILDING * LEONARDTOWN, MARYLAND
Monday, August 12, 2013**

Members present were Howard Thompson, Chairman; Shelby Guazzo, Patricia Robrecht, Susan McNeill, Merl Evans, Martin Siebert, and Hal Willard. Department of Land Use & Growth Management (LUGM) staff present were Phil Shire, Director; Bill Hunt, Deputy Director; Bob Bowles, Planner IV; Jeff Jackman, Senior Planner and Jada Stuckert, Recording Secretary. Deputy County Attorney David Weiskopf was also present.

The Chair called the meeting to order at 6:30 p.m.

APPROVAL OF THE MINUTES – The minutes of July 22, 2013 were approved as presented.

PUBLIC HEARING

CWSP Review and Report, including MetCom FY 14 CIB

Mr. Chapman gave an overview of the review and report and asked that the Planning Commission forward a favorable recommendation to the County Commissioners. Upon question by the Planning Commission, Mr. Ichneowski of MetCom provided an explanation as to why the amendment is necessary.

Chairman Thompson opened the hearing to public comment, hearing none, closed the hearing to public testimony.

Ms. McNeill made a motion in the matter of the 2013 Comprehensive Water and Sewerage Plan Review and report having accepted the staff report dated July 22, 2013, and having held a public hearing on proposed amendments to the CWSP as required by the Environment Article of the Maryland Annotated Code, the St. Mary's County Code, and of consistency with the St. Mary's County Comprehensive Plan, I move that the Planning Commission adopt a resolution to approve and recommend to the Commissioners of St. Mary's County that the CWSP 2013 Review and Report be adopted and that the CWSP be amended to incorporate the MetCom FY 2014-2019 CIB; and that the Chairman be authorized to sign the resolution on behalf of the Planning Commission and transmit it to the Commissioners of St. Mary's County and Ms. Robrecht seconded. The motion passed by a 7-0 vote.



Subdivision around Lawfully Existing Dwellings

Mr. Shire gave an overview of the proposed amendment to the Zoning Ordinance to allow subdivision around legally existing dwellings. Mr. Bowles provided additional information as needed.

Ms. Guazzo indicated she would like the Planning Commission to review cases where there are private roads connecting all these non-conforming dwellings.

Chairman Thompson opened the hearing to public comment.

Mr. Jamie Raley representing the Farm Bureau

Mr. Raley stated the Farm Bureau would like to see TDR's be required for these types of subdivisions. Mr. Raley indicated requiring TDR's will help keep our rural areas rural.

Ms. Guazzo made a motion to continue this hearing to the October 28, 2013 meeting and Mr. Evans seconded. The motion passed by a 7-0 vote.

**MINUTES OF THE ST. MARY'S COUNTY PLANNING COMMISSION MEETING
CHESAPEAKE BUILDING * LEONARDTOWN, MARYLAND
Monday, October 28, 2013**

Members present were Howard Thompson, Chairman; Shelby Guazzo, Patricia Robrecht, Susan McNeill, Merl Evans, Martin Siebert, and Hal Willard. Department of Land Use & Growth Management (LUGM) staff present were Phil Shire, Director; Bill Hunt, Deputy Director; Bob Bowles, Planner IV; Jeff Jackman, Senior Planner; Hannah Pinkerton, Planner II; and Jada Stuckert, Recording Secretary. County Attorney George Sparling was also present.

The Chair called the meeting to order at 6:30 p.m.

APPROVAL OF THE MINUTES – The minutes of September 23, 2013 were approved as presented.

PUBLIC HEARING

1. Text amendments to the Zoning Ordinance and Subdivision Ordinance (Cont. from 8/12/13)

A. Subdivision around Lawfully Existing Dwellings

Mr. Shire gave a brief overview of the proposed text amendment elaborating on some of the questions posed at the 8/12/13 meeting.

Chairman Thompson opened the hearing to public comment.

John Parlett

Mr. Parlett stated he is in favor of the text amendment and encouraged the Commission to not consider the requirement for TDRs if TDRs were not required when the house was built.

Chris Longmore

Mr. Longmore stated he is in favor of the text amendment and indicated he shares the same support for not requiring TDRs.

Tom Watts

Mr. Watts stated he is in favor of the text amendment and requiring TDRs is excessive and not necessary.

Larry O'Brien

Mr. O'Brien stated he is in favor of the text amendment and shares the feelings as the other speakers regarding TDRs.

Laura Clark

Ms. Clark stated she is in favor of the text amendment and stated she is not in favor of requiring TDRs.

Chairman Thompson closed the hearing to public comment.

Mr. Evans made a motion that the Planning Commission, having accepted the finding of the staff report, regarding the proposed text amendment, to make the changes to the Zoning Ordinance, Chapters 52.7 and the Subdivision Ordinance Chapters 30 and 50 as described in the Staff Report, approve a resolution recommending that the Board of County Commissioners approve this amendment and that the Chair be authorized to sign a resolution on behalf of the Planning Commission transmitting this recommendation to the Board of County Commissioners and Mr. Willard seconded. The motion passed by a 6-0 vote.