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**COUNTY COUNCIL
OF
DORCHESTER COUNTY, MARYLAND**

Legislative Session 2008,
Legislative Day No. 4, March 18, 2008

Introduced By: County Council

BILL NO. 2008-7

AN ACT OF THE COUNTY COUNCIL OF DORCHESTER COUNTY MARYLAND TO AMEND CHAPTER 140, ENTITLED SUBDIVISION REGULATIONS, SECTION 140-4, A, 1-4 OF THE DORCHESTER COUNTY CODE TO INCREASE STANDARDS OF PLAT PREPARATION AND REVIEW, LIMIT PARCEL SIZES, PROVIDE CLARIFICATION, AND IMPROVE LANGUAGE ON EXCHANGES OF LAND THAT ARE EXEMPT FROM REVIEW BY THE OFFICE OF PLANNING AND ZONING AND THE DORCHESTER COUNTY PLANNING COMMISSION.

Introduced, read first time, ordered posted on official bulletin board of County, County Office Building, 501 Court Lane, Cambridge, Maryland 21613.

Ordered publication for once a week for two (2) successive weeks, and public hearing scheduled on **Tuesday, April 15, 2008** in Room 110, County Office Building, 501 Court Lane, Cambridge, Maryland at 6:35 PM.

By order:


Jane Baynard, County Manager

BILL NO. 2008-7

AN ACT OF THE COUNTY COUNCIL OF DORCHESTER COUNTY MARYLAND TO AMEND CHAPTER 140, ENTITLED SUBDIVISION REGULATIONS, SECTION 140-4, A, 1-4 OF THE DORCHESTER COUNTY CODE TO INCREASE STANDARDS OF PLAT PREPARATION AND REVIEW, LIMIT PARCEL SIZES, PROVIDE CLARIFICATION, AND IMPROVE LANGUAGE ON EXCHANGES OF LAND THAT ARE EXEMPT FROM REVIEW BY THE OFFICE OF PLANNING AND ZONING AND THE DORCHESTER COUNTY PLANNING COMMISSION

SECTION ONE: Acting under Chapter 140, entitled "Subdivision Regulations", Section 140-4, A, 1-4 of The Dorchester County Code (The "Act"), be it ENACTED and ORDAINED by the County Council of Dorchester County, Maryland that Chapter 140, Section 140-4, A, 1-4 titled, Applicability of provisions; exemptions; greater restrictions to prevail, be repealed and reenacted to read as follows:

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§ 140-4. Applicability of provisions; exemptions; greater restrictions to prevail.

A. Application

These regulations shall apply to all land located within the unincorporated area of Dorchester County, Maryland. The following transfers shall be exempt from strict application of these regulations, provided they do not involve any land which was part of a recorded subdivision plat recorded after March 14, 1972:

1. Adjoining of Parcels.

- a. The adjoining of parcels, provided that if the parcels jointly are needed to meet the minimum provisions of the Dorchester County Zoning Ordinance, that the deed and plat transferring such land shall conspicuously contain the following paragraph or note in caps and bold print: "The parcel(s) being adjoined is exempt from the Dorchester County Subdivision Regulations under § 140-4A(1). This combined parcel (identify individual parcels) shall, hereinafter, be construed as a single parcel until and unless it is subsequently subdivided in accordance with the Dorchester County Subdivision Regulations."
- b. The Grantee of the parcels intended to be joined shall amend or confirm any lien instrument to include the said land.
- c. Development rights do not convey unless specified on the plat. A statement shall be printed across the portion of the parcel being joined which clearly states "adjoining of lots or parcels may result in the loss of development rights".
- d. A plat shall be prepared showing the parcels being joined. The plat shall meet the pertinent standards for preparation of a preliminary plat as outlined in section 140-16 A, and B1 & B2 or as determined by the Director of Planning.
- e. The plat shall be reviewed and approved (signed) by the Director of Planning or his designee for conformity with zoning regulations.
- f. Grantee and grantor shall certify that he/she/they adopt the plan and said plat shall be recorded.

2. Exchanges of Land.

The exchange of land between adjoining property owners, provided that:

- a. The portion being transferred is not needed to meet the requirements of the Dorchester County Zoning Ordinance.
- b. The portion being transferred is not to be used as a separate lot and the Grantee of the parcel to be transferred shall amend or confirm any lien instrument to include the said land.
- c. The deed and plat transferring such land conspicuously contains, in the body or foot, immediately after the description of the land in the deed and on the plat, the following paragraph or note in caps and bold print: "The parcel(s) being transferred is exempt from the Dorchester County Subdivision Regulations in accordance with § 140-4A(2). This parcel cannot be sold or transferred and shall, hereinafter, be construed as a portion of the parcel described (deed reference or legal description) until and unless it is subsequently transferred in accordance with the Dorchester County Subdivision Regulations."

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- d. Development rights do not convey unless specified on the plat. Statement shall be printed across the portion of the parcel subject to the exchange, clearly stating, "not a separate building lot".
- e. Grantee and Grantor shall certify that he/she/they adopt the plan and said plat shall be recorded.
- f. The parent or originating parcels may be greater than 5 acres, however the parcel or parcels being exchanged shall not exceed 5 acres in total area.
- g. A plat shall be prepared showing the parcel or parcels to be exchanged. The plat shall meet the pertinent standards for preparation of a preliminary plat as outlined in section 140-16 A, and B1 & B2 or as determined by the Director of Planning.
- h. The plat shall be reviewed and approved (signed) by the Director of Planning or his designee for conformity with zoning regulations.

3. Division of land for agricultural purposes.

The division of land for agricultural purposes, including marshland and woodlands, provided that:

- a. The tracts shall be five (5) acres or more and the remainder parcel shall be at least five (5) acres.
- b. The parcel being transferred is not intended for nonagricultural development purposes.
- c. The parcel being transferred is not improved with a dwelling, well, or any other use or structure other than usual agricultural structures.
- d. The deed and plat transferring such land conspicuously contains the following paragraph or note in caps and bold print: "The parcel(s) being transferred is exempt from the Dorchester County Subdivision Regulations in accordance with § 140-4A(4). This parcel is not approved as a lot for nonagricultural development purposes until or unless a plat drawn to scale showing the proposed development is approved by the Dorchester County Planning Commission, Dorchester County Health Department, Dorchester County Highway Department and/or any other agency that would normally approve the lot had it originally been established for development purposes."
- e. Development rights do not convey unless specified on the plat. Statement shall be printed across the portion of the parcel subject to the transfer stating "not an approved building lot". However, if development rights are being transferred the number of development rights conveyed shall be indicated in a prominent location on the plat.
- f. The property does not have a business or industrial zoning designation.
- g. A plat shall be prepared showing the parcel to be divided. The plat shall meet the pertinent standards for preparation of a preliminary plat as outlined in section 140-16 A, and B1 & B2 or as determined by the Director of Planning.
- h. The Plat shall be reviewed and approved (signed) by the Director of Planning or his designee for conformity with zoning regulations.
- i. Grantee and grantor shall certify that he/she/they adopt the plan and said plat shall be recorded.

4. Transfer of Land for Public Purposes.

Provided that the provisions of this subsection are complied with, the subdivision and transfer of land for the sole purpose of conveyance to the United States of America, the State or any political subdivision of the State of Maryland or to any public instrumentality for public purposes is exempt from the Chapter.

- (a) The parcel being subdivided and transferred must be intended to be transferred to the United States of America, the State or any political subdivision of the State of Maryland or to any public instrumentality for public purposes.
- (b) The subdivision of the parcel intended for transfer shall not cause the residue of the land of the property owner, not being transferred, to be in violation of Chapter 155, entitled "Zoning" of the Dorchester County Code.
- (c) A plat shall be prepared clearly showing the parcel to be transferred. The plat shall meet the pertinent standards for preparation of a preliminary plat as outlined in section 140-16 A, and B1 & B2 or as determined by the Director of Planning. The property owner shall submit the plat to the Director for review, certifying: (i) that an exemption is being requested under this subsection and (ii) reflecting the parcel being transferred.
- (d) If upon review, the Director finds that the property owner requesting exemption has complied with the provisions of this subsection, the Chairman of the Dorchester County Planning Commission shall certify on the plat that the transfer is exempt under the provisions of this subsection and the property owner or Director shall record the plat among the Plat Records of Dorchester County, Maryland. The plat shall conspicuously contain the following paragraph under the signature of the Director:

"The parcel being transferred is exempt from the Dorchester County Subdivision Regulations in accordance with Section 140-4A (4) of Chapter 140 of the Dorchester County Code provided the deed of conveyance for the parcel being transferred to the United States of America, the State or any political subdivision of the State of Maryland or to any public instrumentality is recorded among the Land Record Books of Dorchester County, Maryland within one (1) year from the date of recordation of the plat."
- (e) The deed of conveyance shall be recorded among the Land Record Books of Dorchester County, Maryland within one (1) year from the date of recordation of the plat.
- (f) The deed transferring such land shall conspicuously contain, in the body or foot of the deed the following paragraph:

"The parcel being transferred is exempt from the Dorchester County Subdivision Regulations in accordance with section 140-4A (4) of Chapter 140 of the Dorchester County Code."

(g) Should the property owner fail to convey such land to the United States of America, or the State or any political subdivision of the State of Maryland or to any public instrumentality or fail to have such deed recorded within one (1) year from the date of recordation of the plat, then in that event, the exemption and plat approval shall terminate and the plat shall be NULL AND VOID and utterly without legal effect. In such case, the Director shall file and record a "NOTICE OF REVOCATION" of the approval of the exemption and plat among the Land Record Books of Dorchester County, Maryland indicating the revocation of the exemption and plat approval. Upon such revocation, the Director shall mail a copy of the NOTICE OF REVOCATION to the following:

1. Dorchester County Health Department
2. Dorchester County Planning Commission
3. Dorchester County Highway Department
4. The County Commissioners of Dorchester County
5. Dorchester County Soil Conservation District Office
6. The property owner
7. The Dorchester County Sanitary Commission, if the property lies within a Sanitary District or service area
8. The governmental agency in which the transfer of the parcel was intended
9. Any other interested party the Director deems appropriate.

SECTION TWO: BE IT FURTHER ENACTED AND ORDAINED BY THE COUNTY COUNCIL OF DORCHESTER COUNTY that General Code Publishers is directed to codify amended Section 140-4, A, 1-4 titled, Applicability of provisions; exemptions; greater restrictions to prevail, of the Dorchester County Subdivision Regulations accordingly.

SECTION THREE: Be it further ENACTED and ORDAINED by the County Council of Dorchester County, Maryland that this Bill shall be known as Bill No. 2008-7 of Dorchester County, Maryland and shall take effect sixty (60) days after its final passage.

PASSED this 15 day of April, 2008

ATTEST: COUNTY COUNCIL OF DORCHESTER COUNTY, MARYLAND

BY: Jane Baynard Jane Baynard, County Manager William V. Nichols William V. Nichols, President

APPROVED this 15 day of April, 2008

ATTEST: COUNTY COUNCIL OF DORCHESTER COUNTY:

BY: Jane Baynard Jane Baynard, County Manager William V. Nichols William V. Nichols, President

Nichols - aye
Newcomb - aye
Elzey - aye
Price - aye
Travers - aye