

Ordinance No. O-3-10

AN ORDINANCE TO AMEND CHAPTER 20 OF THE CITY CODE, ENTITLED, "SUBDIVISION OF LAND," ARTICLE I, ENTITLED "IN GENERAL," ARTICLE II, "PROCEDURE FOR PREPARATION OF PRELIMINARY PLATS," ARTICLE V, "PRELIMINARY SUBDIVISION PLAN," AND ARTICLE VI, "FINAL SUBDIVISION PLAT," SO AS TO PROVIDE STANDARDS FOR SUBMISSION OF STORMWATER MANAGEMENT PLANS AND ADD CORRECTIONS AND ADDITIONS

BE IT ORDAINED, by the Mayor and City Council of the City of Gaithersburg, in public meeting assembled, that Chapter 20 of the City Code, entitled, "Subdivision of Land," ... are hereby amended to read as follows:

Chapter 20

SUBDIVISION OF LAND

ARTICLE I. In General

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Sec. 20-2. Authority.

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Excavations, clearing, stripping, grading, and fills shall conform to Chapter 8; road construction shall generally conform to section 19-7 through section 19-17 and development standards to the zoning ordinance, Chapter 24 of this Code.

Sec. 20-3. Purpose of chapter.

The purpose of this chapter is to provide for:

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(k) Preservation ~~(and afforestation)~~ of outstanding cultural features and historic sites or structures.

* * * *

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
Single strikethrough	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by Amendment.</i>
Double boldface strikethrough	<i>Deleted from existing law or the bill by amendment.</i>
***	<i>Existing law unaffected by bill.</i>

- (m) Preservation (and afforestation) of forests, significant trees, and environmentally sensitive areas.
- (n) Coordination of roads and sidewalks and stormwater management ~~facilities~~ systems within the subdivision and with adjacent subdivisions and existing public roads and sidewalks.

Sec. 20-4. Definitions.

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Conservation area. Land, either adjacent to a stream or within a stream valley, shown as a park or conservation area and designated as such on the comprehensive plan for the city, or which contain natural features or wildlife considered to be of significant value, or is necessary to provide natural buffers between different forms of development, and established for the purpose of providing adequate open space for light, air, and recreation; for the preservation and creation of wooded areas; for the protection of game; for protection against erosion; for the control of drainage; for the general benefit and protection of properties adjacent to and in vicinity of such streams or stream valleys, or areas containing significant natural environmental or historic features and resources, and for the general welfare. ~~n of a building shall not project as provided in Chapter 24 of this Code.~~ No footing or foundation of any structure or building shall project into the conservation area.

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Sec. 20-9. Environmental standards for development regulations for preliminary and final subdivision plans.

All subdivisions pursuant to this chapter must be consistent with the environmental standards for development regulations of the City of Gaithersburg as adopted in the form of regulations by resolution of the city council, and as amended thereafter. It is the intent of the city council that this chapter and regulations adopted pursuant to this section of the City Code be applied retroactively from and after July 26, 1995.

Notwithstanding any provision to the contrary contained in the environmental standards for development regulations of the city, any waiver or variation from such standards must be approved by either the city council or the planning commission.

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ARTICLE II. PROCEDURE FOR PREPARATION OF PRELIMINARY AND FINAL PLATS

Sec. 20-11. Preliminary subdivision plan required.

Every proposed plan for subdivision or resubdivision shall be submitted to the planning commission for tentative or conditional approval in the form of a preliminary subdivision plan prior to the submission of a final subdivision plat for recording; unless such plan complies with the provisions for minor subdivisions in section 20-34. The plan shall be accompanied by a processing fee established by resolution of the city council. The plan shall show graphically all facts necessary to enable the commission to determine whether the proposed layout is satisfactory in promoting the public health, safety, and welfare, and complies with applicable standards, ordinances, and laws necessary for approval. The planning commission shall have a reasonable time, not to exceed four (4) months from the date of receipt of a complete preliminary subdivision plan application, for the review of same and action thereon, unless otherwise agreed upon by the applicant and in accordance with section 20-13(b). The applicant may submit a concept plan concerning those major aspects of the submission on which the decision of the commission is requested prior to preparation and submission of a preliminary plan. The concept plan shall be in accordance with the concept plan check list in chapter 24, section 169(a) and shall include any information that the city manager or his or her designee require.

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Sec. 20-13. Approval or disapproval of subdivision preliminary plan; deferral of pending applications.

(a) The planning commission will approve, with or without conditions, or disapprove, the preliminary subdivision plan.

(b) The processing, public hearing, or decision of any application for subdivision plan approval may, after recommendations are received from the city planning and code administration department, be postponed or deferred by resolution approved by not less than four (4) members of the city planning commission when, in the discretion of the city planning commission, the pendency of any zoning map or text amendment, master plan amendment, transportation plan amendment, zoning and planning study, or capital improvement program or project or amendment thereto, may substantially affect applications under consideration, and promote the orderly subdivision and development of land within the city, as well as the efficient and economical processing of such applications. A pending application for subdivision plan approval may be deferred until the earlier of either:

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Sec. 20-16. Approval of final plat by planning commission.

(a) The final subdivision plat will be approved by the planning commission if found by it to be in conformity with the approved preliminary subdivision plan and the requirements for this chapter, and other applicable laws, and Article II of Chapter 19 of this Code, and of applicable site plan approved for the property pursuant to Article V of Chapter 24 of this Code. The final subdivision plat shall

reflect all required dedications of land for public use or any other exaction imposed by the planning commission approval. ~~Approval of the planning commission shall be by resolution of the planning commission.~~ The signatures of the planning commission chairman and vice-chairman shall be inscribed on the approved plat.

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ARTICLE V. PRELIMINARY SUBDIVISION PLAN

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Sec. 20-36. Contents.

The preliminary subdivision plan shall show the following information:

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- (j) Preliminary plans for storm drainage and an approved storm water management preliminary plan in accordance with chapter 8 of the city code.

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- (q) Roads and streets shall in general be laid out to preserve and encourage open spaces, tree cover, recreation areas, scenic vistas, and outstanding natural topography. Road grades shall be shown indicating the percentage of tangent grades, the length of crest and sag vertical curves and elevations thereof, and in addition, elevations of all intersecting streets shall be indicated. Direction of flow shall also be indicated. The tentative plan shall be supported by a preliminary storm drain study prepared in accordance with the requirements of ~~the Washington Suburban Sanitary Commission~~ Montgomery County. In cases where the topography or other topographical conditions make difficult the ready determination of the adequacy of the street grades, the registered surveyor or registered engineer submitting such grades may be required to substantiate subdivision layout with plans, profiles or designs and certifications as may from time to time be required by the planning commission which would tend to prove the desirability and adequacy of the proposed development.

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Sec. 20-37. Preliminary staff check and referral plan.

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- (h) Appropriate gas, ~~and electric~~ and telecommunication utilities/companies shall review plans as to right-of-way requirements.
- (i) The emergency services agencies ~~and U.S. Postal Service~~ shall review plans as to accessibility requirements.

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Sec. 20-42. Cancellation of preliminary plan approval.

If, after approval by the planning commission of a preliminary subdivision plan, including any modifications thereof, the subdivider fails to submit to the planning commission for approval within twenty-four (24) months of such approval date a final subdivision plat, the approval of the preliminary subdivision plan shall be deemed canceled and the plan null and void. The planning commission may grant one extension of the approval, not to exceed twelve (12) months, for good cause shown.

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ARTICLE VI. FINAL SUBDIVISION PLAT

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Sec. 20-46. Contents.

Application. Written application by the owner or his agent for approval, on forms furnished by the planning commission, shall accompany each record plat and contain the information specified in the checklist included in the application form.

The final subdivision plat shall show:

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- (i) All bearings shall be referred to as established by the ~~Washington Suburban Sanitary Commission grid meridian~~ Maryland State Plane coordinate system using the 1983 or newer North American Datum and the survey accurately tied into this system where such control is available within one-half (1/2) mile of the subdivision. Otherwise, ~~they~~ the survey shall refer to reference the true meridian, Universal Transverse Mercator (UTM) Zone 18, or other current standard geographic coordinate system and datum ~~or the North American Datum.~~ The meridian ~~noted~~ used shall be ~~used~~ noted along the north arrow ~~which~~ that is required on each plat and a minimum of three (3) geospatial coordinates shall be provided along the plat boundary. Plats of resubdivision may refer to the "plat meridian," meaning that used on the original subdivision plat, if filed within five (5) years of the

~~recordation of the original subdivision plat. On plats of small subdivisions, involving only one or two (2) lots, in locations where no established control is available, reference to the "deed meridian" will be acceptable.~~

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ADOPTED by the City Council of Gaithersburg, Maryland, this 5th day of April, 2010.

SIDNEY A. KATZ, MAYOR and
President of the Council

DELIVERED to the Mayor of the City of Gaithersburg, Maryland this 5th day of April, 2010. APPROVED by the Mayor of the City of Gaithersburg, Maryland this 5th day of April, 2010.

SIDNEY A. KATZ, MAYOR

THIS IS TO CERTIFY that the foregoing Ordinance was adopted by the City Council of Gaithersburg, in public meeting assembled, on the 5th day of April, 2010, and the same was APPROVED by the Mayor of the City of Gaithersburg on the 5th day of April, 2010. This Ordinance will become effective on the 4th day of May, 2010.

ANGEL L. JONES, City Manager