

DEPARTMENT OF PLANNING AND ZONING

CUSTOMER ASSISTANCE GUIDE

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HOW TO SUBDIVIDE PROPERTY

REVISED OCTOBER 2004

- **WHAT IS A SUBDIVISION?**

A subdivision is defined by the Calvert County Zoning Ordinance as, "(1) The division of land; (2) The land or territory subdivided." A buildable lot cannot be created by dividing land by deed. To create legal buildable lots (residential, commercial and industrial), in Calvert County, property must go through the subdivision process. The Calvert County Subdivision Regulations and the Zoning Ordinance govern subdivisions in Calvert County.

The acts of combining two lots into one lot, establishing (or extinguishing) easements or shifting lines between two existing lots are considered "replattings" and do not involve the subdivision process.

- **CAN MY PROPERTY BE SUBDIVIDED?**

Density (amount of land needed for a house) is based on the zoning of a property. Zoning maps are available at the Department of Planning and Zoning. Once the zoning of the property has been determined, the following may be used to determine maximum conventional density.

RUR Rural District (excluding land within the Critical Area). The conventional density in the RUR Rural District is one lot per five acres. If the parcel existed prior to June 29, 1967, the property may be eligible for three one-acre lots, two three-acre lots, and the remaining acreage would be limited to one lot per five-acre density.

If the parcel was created between June 29, 1967 and October 21, 1974, the property may be eligible for five three-acre lots and the remaining acreage would be limited to one lot per five-acre density.

R-1 and R-2 Districts. The conventional density for R-1 and R-2 zoned areas is one unit per four acres. Higher densities can be achieved with the use of TDRs. Refer to Section 5-1.02 of the Zoning Ordinance.

See the worksheets on the following pages to calculate densities in the RUR, R-1 and R-2 Districts.

Density Worksheet
Calculating The Number of Lots
In the Farm Community and Resource Preservation Districts

Maximum Conventional Density. According to Section 5-1.02.A of the Zoning Ordinance, the Maximum Conventional Density is 0.1 unit per acre. Therefore, multiply the acreage by 0.1 and round down to the nearest whole number. That is the maximum number of lots, even with TDRs. According to 5-2.02.C.1, tidal and non-tidal wetlands must be subtracted from the gross tract acreage before calculating density.

Maximum Conventional Density = (Total Acreage ____ - wetland acres ____) x 0.1 = _____
 (round down)

New Base Density. According to footnote 1, Section 5-1.02.A.1, the density shown in this column (maximum conventional density) may be achieved only through the use of TDRs. Without TDRs, the number of new base density lots available is determined by taking 25% of the number obtained through the formula set forth in Section 5-2.

5-2.02.C.1. calculates the density as follows:

a. Total acreage =	_____
b. Total acreage in tidal and non-tidal wetlands =	_____
c. Total acreage minus acreage in wetlands = Subtotal A:	_____
d. Total # of permitted exception lots =	_____
e. Total # of acres in exception lots as permitted under Section 5-1.02.A =	_____
f. Subtotal A minus total # of acres in exception lots = Subtotal B =	_____
g. In RUR: Subtotal B divided by 5 = Subtotal C =	_____ (round down)
h. Total number of permitted lots (Subtotal C plus total # of exception lots in line d) =	_____
Maximum number of lots without TDRs = 'h' x 0.25 =	_____ New Base Density¹

Calculating TDRs:

_____ - _____ = _____ x 5 TDRs = _____
 Maximum Conventional Density – New Base Density = No. of lots requiring TDRs.

Family Conveyance. The total number of lots permitted for conveyance to family members shall be twice the number of new base density lots permitted by the above formula up to a maximum of five lots for the entire parcel. All lots created using the provisions of this subparagraph shall be conveyed to family members subject to the provisions of Section 5-1.02 B.4, which states that TDRs are not required for the first three lots created for family members as of November 2, 1999.

(_____) x 2 = _____
 New Base Density Lots x 2 = # of Family Conveyance Lots

Note: The New Base Density lots plus Family Conveyance Lots cannot exceed 5 lots.

¹ Round to the nearest whole number. If the number is zero, then no additional lots are permitted.

Density Worksheet

Calculating the Number of Lots in the Rural Community District

Maximum Conventional Density. According to 5-1.02.A of the Zoning Ordinance, the Maximum Conventional Density is 0.2 units per acre. Therefore, multiply the acreage by 0.2 and round down to the nearest whole number for the maximum conventional density. According to Section 5-2.02.C.1, tidal and non-tidal wetlands must be subtracted from the gross tract acreage before calculating density.

Maximum Conventional Density = (Total Acreage ____ - wetland acres ____) x 0.2 = _____
(round down)

New Base Density. According to the footnote 1, the density shown in this column (maximum conventional density) may be achieved only through the use of TDRs. Without TDRs, the number of lots available is determined by taking 25% of the number obtained through the formula set forth in Section 5-2. Section 5-2.01.C.1. calculates the density as follows:

a. Total acreage =	_____
b. Total acreage in tidal and non-tidal wetlands =	_____
c. Total acreage minus acreage in wetlands = Subtotal A:	_____
d. Total # of permitted exception lots =	_____
e. Total # of acres in exception lots as permitted under Section 5-1.02.A =	_____
f. Subtotal A minus total # of acres in exception lots = Subtotal B =	_____
g. In RUR: Subtotal B divided by 5 = Subtotal C =	_____
	(round down)
h. Total number of permitted lots (Subtotal C plus total # of exception lots in line d) =	_____
Maximum number of lots without TDRs = 'h' x 0.25 =	_____
	New Base Density¹

Calculating TDRs:

_____ - _____ = _____ x 5 TDRs = _____ TDRs
 Maximum Conventional Density – New Base Density = No. of lots requiring 5 TDRs.

Transfer Zone. According to footnote 5, with TDRs, the density and area requirements in Transfer Zones is as defined in Section 2-10.01. For Transfer Zones more than a mile from a TC, the maximum transfer zone density is one house per 4 acres (Section 2-10.01.E.5.b). For Transfer Zones less than a mile from a TC, the maximum Transfer Zone density is one house per acre². Also five TDRs shall be used by the developer for each lot or dwelling unit which is created in excess of the new base density above.

>one mile from a Town Center: Acres ____ - (wetland acres) ____ /4 = ____ (Transfer Zone Density) **OR**
 <one mile from a Town Center: Acres ____ - (wetland acres) ____ /1 = ____ (Transfer Zone Density)
 _____ - _____ = _____ x 5 TDRs = _____ TDRs
 Transfer Zone Density – New Base Density = No. of lots requiring TDRs.

Family Conveyance Lots. Refer to calculations for Farm Community District and Resource Preservation District.

¹ Round to the nearest whole number. If the number is zero, then no additional lots are permitted.
² However, the actual number of lots won't achieve one house per acre, due to wetlands, road, and open space requirements in Section 5-2.

Density Worksheet
Calculating the Number of Lots In the R-1 and R-2 Districts

Maximum Conventional Density. The conventional density for R-1 and R-2 Districts is one unit per four acres. Higher densities can be achieved with the use of Transferable Development Rights (TDRs). Refer to Section 5-1.02 of the Zoning Ordinance.

Maximum Conventional Density = (Total Acreage ____ - wetlands ____) / 2 = _____
 (round down)

New Base Density¹. According to Section 5-1.02.A, the New Base Density is 1 unit per 4 acres. Therefore, divide the acreage by 4 and round down to the nearest whole number. That is the maximum number of lots without TDRs. According to Section 5-2.02.C.1, tidal and non-tidal wetlands must first be subtracted from the gross tract acreage before calculating density.

According to footnote 3 of Section 5-1.02.A, with TDRs, the density may be increased to one dwelling unit per two acres with the use of five TDRs for each additional dwelling unit.

New Base Density = (Total Acreage __ - wetlands ____) / 4 = _____
 (round down)

Transfer Zone Density. For properties within a one-mile radius of a Town Center, as defined in Section 2-10.01, the density may not exceed four units per acre² with the purchase of five TDRs for each additional unit over one unit per four acres. However, the Board of County Commissioners may exempt affordable housing agencies from having to purchase TDRs to obtain the increased density.

Transfer Zone Density (<1 mile from a Town Center) = (Acres ____ - wetlands ____) x 4 = _____

_____ - _____ = _____ x 5 = ____ TDRs
Transfer Zone Density – New Base Density = Number of lots requiring 5 TDRs/lot.

Family Conveyance Lots. Refer to calculations for Farm Community District and Resource Preservation District.

¹Round to the nearest whole number. If the number is zero, then no additional lots are permitted.
² However, the density may never reach four units per acre, due to wetlands, open space and Health Department Requirements.

- **WHAT TYPES OF SUBDIVISION ARE THERE?**

There are two types of subdivision:

MINOR SUBDIVISION - a subdivision of five or fewer lots; reviewed and approved administratively by the Secretary to the Planning Commission.

MAJOR SUBDIVISION - a subdivision of six or more lots and/or the creation of a public right-of-way; must be approved by the Planning Commission.

- **IF THE PARCEL CAN BE SUBDIVIDED, WHAT IS THE NEXT STEP?**

Subdivision plats are required by state law to be prepared by a Registered Land Surveyor. A surveyor will review the parcel size, configuration, environmental constraints, Critical Area Regulations, and the requirements per the Zoning Ordinance and Subdivision Regulations. They will be able to prepare a proposed layout that will meet all Federal, State and County requirements.

- **WHAT IS THE SUBDIVISION PROCESS?**

There are three stages of review for subdivision:

CONCEPT REVIEW:

Concept meetings are held twice a month at the Department of Planning & Zoning. This is the first review for subdivisions. The concept review is an informal meeting between the surveyor and the key review agencies. A sketch of the proposed layout is presented. This is a very quick review to determine any serious problems or conflicts of requirements prior to actual submittal. This review provides guidance to the applicant before the majority of the engineering work is done and an official submittal is made, often saving time and money. Comments are sent to the surveyor within fifteen (15) days of the concept meeting. Concept review is not required for lots in the Critical Area or in Agricultural Preservation Districts (APD); however, lots in an APD must be approved by the Agricultural Preservation Advisory Board.

PRELIMINARY REVIEW:

After concept review, the surveyor prepares a preliminary plan along with the necessary applications, supporting documents and studies. The preliminary package is submitted to the Department of Planning and Zoning. There is a review fee of \$60.00 per lot. If the plan and documentation meet the submittal requirements, it is accepted and distributed to the appropriate review agencies.

The reviewing agencies return comments to the Department of Planning and Zoning, which are then compiled into a preliminary approval letter.

For minor subdivisions, the preliminary approval letter will be sent to the applicant and the engineer within ninety (90) days of the acceptance date of the preliminary package. For major subdivisions, a staff report is prepared and presented to the Planning Commission at a public meeting. The Planning Commission shall take action within three regularly scheduled meetings following acceptance of the subdivision application, which is generally 60 to 90 days. Upon approval by the Planning Commission, a preliminary approval letter is sent to the applicant and the surveyor. Preliminary approval is valid for three years from the date of the preliminary approval letter.

REVISIONS TO PRELIMINARY PLANS:

Revisions to preliminary plans after preliminary approval are subject to an additional review and approval. The fee for a revised preliminary plan is based on the extent of the actual revisions on a per-lot basis.

FINAL PLAT REVIEW:

After approval of the preliminary plan, the surveyor can prepare final plats based on the preliminary approval letter and conditions. Checkprints of the final plat are submitted to the Department of Planning and Zoning along with the review fee of \$60.00 per lot. The final plats are distributed to the appropriate review agencies. Comments are returned to Planning and Zoning within three weeks and then returned to the surveyor. It is at this time that the requirements of the Adequate Public Facilities Regulations must be met and all documentation for the use of TDRs (if required) be submitted. If any revisions are necessary, a second checkprint is submitted for review and approval. This process continues until all agencies have approved the final plat.

Minor subdivisions are reviewed by Planning and Zoning staff and approved by the Secretary to the Planning Commission. Major subdivisions are reviewed by Planning and Zoning but are approved by the Planning Commission at a public meeting.

Once the final plats have been approved, the surveyor must submit the originals, any open space and/or widening strip deeds, and recording fees to the Department of Planning and Zoning for recording.

• WHAT IS INVOLVED IN THE REVIEW OF A FINAL PLAT?

Several agencies must review to determine if the conditions of preliminary approval, for which they are responsible for, have been met. Each agency also has responsibility and deadline for other applications, including preliminary plats, site plans, board of appeals, building permits, road names, grading plans, etc. Also, if the plat must go to the Planning Commission for final approval that must be factored into the time frame, as there are deadlines for the Planning Commission meetings.

The following is typical review time for final plats. Most plats take two checkprints, some take three checkprints, and occasionally some may need more.

APPROXIMATE SCHEDULE

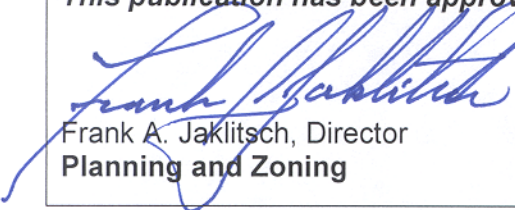
Week 1	Received by Planning and Zoning and distribute 1 st checkprint to agencies.
Week 2	
Week 3	
Week 4	
Week 5	Comments due by agencies.
Week 6	
Week 7	Review by Planning and Zoning then given to applicant's surveyor.
Open Time Frame - (Surveyor has no set time to return next checkprint to P&Z)	
Week 1	Revisions made by surveyor and returned to Planning and Zoning
Week 2	Receive and distribute 2 nd checkprint.
Week 3	Comments due by agencies.
Week 4	Comments given to applicant's surveyor.
Week 5	Revisions made by surveyor.
Open Time Frame - (Surveyor has no set time to return next checkprint to P&Z)	
Week 1	Receive and distribute 3 rd checkprint.
Week 2	Review by agencies.
Week 3	If approved by all review agencies, an "Okay to Record" is issued to the surveyor.
	Final plat prepared by surveyor (no time frame)
	Planning Commission Agenda Deadline (recording package must be submitted 1½ weeks prior to meeting to be on that month's agenda)
	Planning Commission meeting for final approval.
	Recording of Approved Plats in the Land Records

• **CAN I WALK MY PROJECT THROUGH THE APPROVAL PROCESS?**

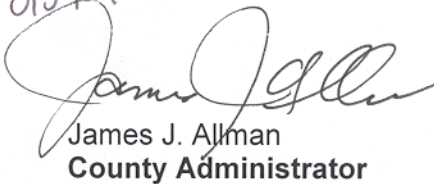
No. Applications are taken in order of submittal.

This publication has been approved by:

10/5/04



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