

ARTICLE 5 - SUBDIVISION

Contents of Article 5

ARTICLE 5 - SUBDIVISION	301
Sec. 500 TITLE.....	301
Sec. 501 APPLICABILITY.....	302
Sec. 502 CLASSIFICATION OF PLAT APPLICATIONS AND GENERAL PROCEDURAL REQUIREMENTS	302
Sec. 503 SKETCH PLAT and PRE-APPLICATION MEETING	303
Sec. 504 PRELIMINARY PLAT	305
Sec. 505 ENGINEERING PLANS.....	307
Sec. 506 ASSURANCE FOR PUBLIC IMPROVEMENTS.....	308
Sec. 507 CRITERIA FOR SUBDIVISION PLAT APPROVAL.....	310
Sec. 508 FINAL PLAT.....	313
Sec. 509 PHASING OR REVISING APPROVED PLATS	315
Sec. 510 MODIFICATIONS.....	316
Sec. 511 LIMITATIONS ON ISSUANCE OF BUILDING PERMITS.....	318
Sec. 512 DEDICATION; VACATION OF PLATS	319
Sec. 513 VIOLATIONS	319
Sec. 514 DENIAL OF A BUILDING PERMIT.....	320
Sec. 515 RESIDENTIAL RESUBDIVISION.....	320

☞ Purpose: this Article establishes regulations governing the subdivision of land within the local jurisdiction, for the health, safety, welfare, and common interest of the citizens of the City. It provides for coordination of roads and other rights-of-way within subdivisions with other existing, planned or platted roads and rights-of-way, or with other features of the city, or with the city's comprehensive plan.

It provides for dedication and reservation of land for roads, sidewalks, pedestrian and bicycle paths, storm water management, for schools and other public buildings and for parks, playgrounds; and, preservation of non-title wetlands, forest areas, flood plains, and historical properties. It is authorized by Maryland Code, Article 66B, §§ 5.01 - 5.07.

Sec. 500 TITLE

This Article shall be known, and may be cited, as the "Subdivision Regulations of the City of Frederick," or "Subdivision Regulations."

Sec. 501 APPLICABILITY

(a) Anyone who subdivides land shall cause a plat of the subdivision to be made. The owner or his agent shall submit the plat to the Planning Department for processing in accordance with the Planning Commission Deadline Schedule.

(b) Every plat for the re-subdivision of any lot, tract, or parcel of land that is a part of an existing subdivision previously recorded in a plat book in the county land records, is subject to the requirements of this Article and Articles 4 (Zoning), 6 (Design and Improvement Standards) and 7 (Environmental Regulations).

¹⁶Sec. 502 CLASSIFICATION OF PLAT APPLICATIONS AND GENERAL PROCEDURAL REQUIREMENTS

⁶(a) Classification

Both major and minor subdivisions are subject to the criteria for approval of subdivision plats, unless a specific provision indicates that it does not apply to minor subdivisions. Different time limits are prescribed for the review and processing of major and minor subdivisions in order to reflect the level of complexity involved in review of the applications. Subdivisions shall be classified as set forth in Table 502-1 that summarizes the procedures for the plat classifications:

⁷Table 502-1 Plat Classification and Summary of Procedures

Classification	Definition	Procedures Required		
		Pre-application meeting	Preliminary Plat	Final Plat
Minor Subdivision	Any subdivision four(4) or fewer lots. (A series of related minor subdivisions or contiguous land cumulatively totaling five (5) is a major subdivision.)	O	O	M
Major Subdivision	Any subdivision not exempted by this Code or state law, other than a minor subdivision.	M	M	M

Rules of Interpretation for Table 502-1: An "O" denotes an optional process, while an "M" ("M") denotes a mandatory process.

This Page Left Intentionally Blank

Sec. 503 SKETCH PLAT and PRE-APPLICATION MEETING

¶ Purpose: the sketch plat review process and the pre-application conference provides an opportunity for the applicant to present their basic concept to local planning staff and receive their input, suggestions and concerns. This procedure permits the developer to go before the City Development Review agencies and other appropriate staff and agency personnel with the description, but not the full engineering details of the project. The sketch plat lays out the approximate location of existing features and planned construction and provides ownership information. Because of the preliminary and summary description of the development, the sketch plat does not permit development. However, the developer is given the opportunity to learn of suggestions which can be incorporated into the formal preliminary plan application without incurring significant expenditures. The sketch plan and a summary of the pre-application meeting shall be attached to any subdivision approval that is submitted with a subdivision application requesting a formal approval.

(a) Applicability

The provisions of this Section apply to any application for approval of a Major Subdivision.

(b) Process

The applicant shall schedule an appointment with the Planning Department to schedule a pre-application meeting with the Planning Department and other appropriate agencies. The Planning Department will advise the applicant, when the pre-application meeting is scheduled. If the plat is to be submitted in two (2) or more phases, an overall plan shall be submitted that shows the sketch plat and preliminary plat for the entire subdivision, along with a proposed phasing schedule for private development and infrastructure.

Sec. 504 PRELIMINARY PLAT

(a) Initiation

- (1) Application for a Preliminary Subdivision Plat approval shall be filed with the Planning Department. The application shall include the information required by Article 11 and the summary statement from the pre-application conference. Preliminary Subdivision Plats shall be submitted in accordance with the Planning Commission's current year deadline schedule.
- (2) Fees associated with the application, including the County Health Department fees, shall be paid at the time of the filing. The Planning Department shall not accept an application for review until all required fees are paid in full.
- (3) The Planning Department shall determine whether the application is complete in five (5) business days. If the application is incomplete, the Department shall provide a written statement to the applicant regarding the additional information that is required to submit a complete application.

(b) Notice and Hearing

See § 502(b).

(c) Decision

- (1) The Planning Commission shall approve, disapprove, or approve with conditions the Preliminary Plat and street cross-sections and profiles. The approval may include any modifications approved by the Planning Commission. Such approval or disapproval shall be indicated on the copies of the Preliminary Plat. Any modifications shall also be indicated on the copies of the Preliminary Plat and attached to the plat and in any applicable formal agreements with the City.
- (2) One copy of the signed Preliminary Plat shall be returned to the subdivider at such time as the conditions of approval are met. Two copies shall be retained for the files, one with the Planning Department and the other one with the Engineering Department.

(d) Scope of Approval

- (1) If the Preliminary Plat is approved or approved with modifications, the subdivider shall proceed promptly to prepare the Final Plat.
- (2) A Final Plat shall be prepared in accordance with the approved Preliminary Plat and any modifications to the preliminary plat
- (3) The Preliminary Subdivision Plat shall be null and void and a new Preliminary Plat application is required to subdivide the property, unless a Final Plat is filed with the Planning Commission as follows:
 - A. Final Plats shall be filed in accordance with the phasing established at the Preliminary Plat stage. If a Final Plat or Plats for a minimum of twenty-five percent (25%) of the lots included in each stage of the phasing schedule are not filed within two (2) years of established completion date of that phase then the Preliminary Plat shall become void.
 - B. An applicant may request a revised phasing schedule from the Planning Commission with documentation on why the applicant is not able to comply with that adopted phasing schedule. The Planning Commission shall not unreasonably withhold approval of a revised phasing schedule if documentation of the delays are reasonable and outside the control of the applicant.
 - C. If an applicant does not have sufficient water and sewer allocations to proceed with the phasing schedule, the applicant may submit to the Planning Department a revised phasing schedule, which can be approved by the Department, if it is demonstrated that the only delay in proceeding with the development of the project is insufficient water and sewer allocations.
 - D. It is the applicant's responsibility to monitor the completion schedule of the Preliminary Plat, and failure to not amend the phasing schedule in a timely manner is the applicant's responsibility.

- (4) The Preliminary Plat shall remain active provided a Final Plat is submitted and approved, in accordance with the provisions of subsection (3) above, until the entire subdivision is fully platted. If a Final Plat recordation does not proceed as required in subsection (3) above the Preliminary Subdivision Plat will expire and must be reapproved in accordance with the current standards by the Planning Commission.

(e) Amendment

Application for an amendment to an approved Preliminary Subdivision Plan shall be filed in accordance with the provisions of subsections (a)-(c) above. In considering an amendment to the Preliminary Subdivision Plat, the Planning Commission may only consider issues relating to the proposed amendment, and may not consider matters that have been approved and that are not related to the proposed amendment.

Sec. 505 ENGINEERING PLANS

In the case of new subdivisions, the street profile plans are required before the approval is given to the Final Plat.

- (a) In the case of new subdivision, Improvement Plans are required to be approved by the Engineering Department before approval is given to the Final Plat.
- ¹(b) No final grading, sidewalk or pavement construction or installation of utilities shall be permitted in the bed of any proposed street in any subdivision until the street grade has been officially established by the Engineering Department. No plat of same approved by the Planning Commission in final form shall be placed on record until the Engineering Department has established the street grade. A permit obtained from the City pursuant to this Code for final grading, sidewalk or pavement construction or installation of utilities permitted in the bed of any proposed street.

Sec. 506 ASSURANCE FOR PUBLIC IMPROVEMENTS

(a) Generally

No Final Plat shall be approved until the necessary public improvements required by the city or other authority have been installed and accepted by the city or other authority.

(b) Assurances

- (1) In lieu of prior installation as provided in subsection (a), the Commission may approve the final plat if applicant provides the Mayor and Board of Aldermen an agreement acceptable to them that the subdivider will post sufficient surety.
- (2) Acceptable surety may include:
 - A. a suitable bond; and
 - B. certified check; and
 - C. money in escrow; and
 - D. other security acceptable to the Board of Aldermen.
- (3) The surety shall be in an amount sufficient to cover the construction costs of such improvements, within said subdivision, at the time the contracts are let.
- (4) The surety shall include a guarantee that the actual construction and installation will be made within such time limit and in accordance with such other requirements as may be specified in each case by the Board of Aldermen.
- ²(5) No building permits for the subdivision shall be issued, nor shall any final plat be recorded, until satisfactory surety is accepted by the Mayor and Board of Aldermen.

(c) *Deferral of required improvements*

In such instances where it is not possible or reasonable to require the installation of the required public improvements at the time of recordation of the final plat, as provided in subsection (a), the Commission may recommend to the Mayor and Board of Aldermen deferral of required public improvements. The Commission may approve the final plat conditioned upon the applicant entering into an agreement with the City to make the required improvements at specified condition or time in the future. Prior to recordation of the final plat, the Mayor and Board of Aldermen shall approve and record with the clerk of the Frederick County Circuit Court the agreement identifying the required public improvements and identifying the property or properties responsible for making said improvements.

Sec. 507 CRITERIA FOR SUBDIVISION PLAT APPROVAL

(a) General Requirements for Subdivision of Land

No Preliminary Plat or final plat shall be approved unless:

- (1) The plat conforms to the Comprehensive Plan; and
- (2) The plat conforms to all applicable requirements of the zoning district regulations (Article 4), the design and development standards of this Code (Articles 6 and 7), and any supplemental use regulations that apply to the plat (Article 8), which requirements are incorporated by reference and made a part of the subdivision regulations.
- (3) The Planning Commission, in studying the Preliminary Subdivision Plat, will take into consideration the requirements of the community and the best use of the land being subdivided. Particular attention will be given to width, arrangement, and location of street surface drainage, lot sizes, and arrangement, as well as any comprehensive plan requirements such as land use, density, phasing, access, parks, school sites, boulevards, and main highways. Adequate street connections will be required to insure free access to adjoining subdivisions and lands. In the case of new subdivisions, the street profile plans may be required before approval is given to the preliminary subdivision plan.
- (4) A Preliminary Subdivision Plat must not be approved unless the Planning Commission has evaluated public facilities to support and service the area of the proposed subdivision. The applicant shall, at the request of the Commission, submit sufficient information and data on the proposed subdivision to document the expected impact on and use of public facilities by possible uses of said subdivision. Public facilities and services to be examined will include roads and public transportation facilities, sewerage and water service, schools, police stations, and firehouses.

- (5) The Planning Commission may require, as a condition of approval, among other conditions of approval, that the applicant or developer/owner executes agreements or covenants or post bonds, letters of credit or other financial security instruments to ensure completion of improvements proposed or required as part of subdivision or site plan approval. The Commission may also require dedication, construction, or payments in lieu thereof for the provision of public facilities and improvements reasonably related to the demands created by subdivision and development thereof.
- ³(6) Subdivision plats shall include roads and streets shown on the transportation element of the master plan of streets and highways or parts of such adopted plans, or in accordance with the plans of the state highway administration as to state roads and access thereto. Any such streets, roads or highways shown must include either full width dedication of right-of-way or, if authorized by the commission, a recordable agreement to dedicate at no cost to the public. In cases where the subdivision only includes one-half of the road cross-section, at a minimum, the dedication for half of the full right-of-way width and improvement of that portion to City standards is required.
- (7) Continuation of roads - the proposed subdivision plat shall provide for continuation of any existing roads or streets (constructed or recorded), sidewalks, pedestrian and bicycle paths in accordance with adopted highway plans and the road construction code unless otherwise determined by the Planning Commission.
- (8) The Planning Commission may defer up to ninety (90) days Preliminary Subdivision Plats or parts thereof, adopted or proposed, or studies related thereto, to determine the need for reserving for public use any of the land included in said subdivision plat.
- ¹⁵(9) A preliminary plan for a proposed development project that is subject to Chapter 19 of the City Code and includes moderately priced dwelling units shall provide that the MPDUs are integrated within, and dispersed throughout, the entire development project (or residential portion of the project) to the greatest extent feasible.

4.9 (b) Street Cross-Sections and Profiles

The Commission may require that the applicant submit to the Engineering Department a preliminary street profile or cross-section or half-section plans conforming to the requirements of § 1121 of this Code. The

Commission may not grant approval of a preliminary subdivision plat until the applicant has fulfilled the requirements of this subsection.

(c) Monuments

Monuments of an approved type shall be set as required in Article 11 and as shown on the final plat.

(d) Coordination with Site Plan Approvals

- A. This subsection (d) applies to any subdivision application that applies to a tract of land already subject to an approved site plan that provides for common access and usage.
- B. The subdivision application shall be accompanied by a written document to be recorded among the County Land Records that binds all present and future property owners from restricting common access or usage of any driveway, parking area, walkway, utility, recreation area or facility, open space or other space or structure designated for common access or use.
- C. Subsection B. does not apply where a revised site plan is approved that redesigns the separation of those facilities and areas so as to ensure their safe and adequate usage.
- D. Where in-place public utilities are not planned to be relocated, a written agreement approved by the Mayor and Board or Aldermen shall clearly designate each property owner's responsibility for water and sewer billing, distribution and utility maintenance and repair.

(e) Adjustments

The requirements of this Article as to subdivision, layout, and design may be adjusted by the Planning Commission to the extent necessary to retain forest, protect individual trees during the process of development and to provide for afforestation and reforestation areas. The Planning Commission may approve an adjustment under this subsection when:

- (1) there is an approved forest conservation plan; and
- (2) the Planning Commission finds that granting a variance to these requirements will not be contrary to the overall purpose and intent of this Article.

Sec. 508 FINAL PLAT

10(a) Applicability

- (1) The subdivider, following tentative approval of the Preliminary Plat and street profiles, shall file original drawings of the Final Plat and street profiles.
- (2) The Planning Commission shall require the preparation, submission and filing of final subdivision plats in the cases of:
 - A. The dedication, widening, relocation, or abandonment (as provided for in 512 of this section) of any alley, street, highway, or other thoroughfare.
 - B. The division of any lot, tract, or parcel of land, or part thereof, into two (2) or more lots.
 - C. The assemblage of two (2) or more lots or tracts or parcels or parts thereof into one or more lots or parcels.
 - D. Correction of a previously approved and /or recorded subdivision plat.

(b) Initiation

- (1) Application for a Final Subdivision Plat approval shall be filed with the Planning Department. The application shall include the information required by Article 11. Final subdivision plats requiring Planning Commission approval at a public hearing shall be submitted in accordance with the Planning Commission's current year deadline schedule.
- (2) Fees associated with the application, including the County Health Department fees, shall be paid at the time of the filing. The Planning Department shall not accept an application for review until all required fees are paid in full.
- (3) The Planning Department shall determine whether the application is complete in five (5) business days. If the application is incomplete, the Department shall provide a written statement to the applicant regarding the additional information that is required to submit a complete application.

- (4) The Final Plat need not include all the property covered by the preliminary plat, but may comprise only a portion thereof, constituting a feasible unit for development. Other final plats constituting additional units may be submitted later, provided the preliminary plat is still valid or its approval has been extended.

(c) Public Notice

See § 502(b).

¹¹(d) Decision

- (1) The Planning Department shall review the approved Preliminary Plat as to accuracy and required information that the subdivider shall provide. The required number of reproductions thereof for record and filing will then be in accordance with the Planning Department's policies at the expense of the subdivider, from the Final Plat and street profile drawings.
- (2) If the Final Plat conforms to the Preliminary Plat and any conditions to the Preliminary Plat, the Planning Department shall review and shall approve, approve with conditions, or deny the Final Plat. Except as provided herein, if the Final Plat does not conform to the Preliminary Plat, the Planning Department shall refer the Final Plat to the Planning Commission for approval as provided below.

In determining conformity with the Preliminary Plat, the Planning Department shall make a determination of consistency when:

- A. No individual lot area may increase or decrease by more than 10% from the Preliminary Plat;
 - B. No lot may be smaller than the minimum lot size or width for the use in the district; or
 - C. No additional lots may be created thru this modification process.
- (3) The Final Plat will be approved by the Commission if it finds that the plat meets the requirements of this Code, including approval by the Engineering Department of the street cross-section and profile.

- (4) When required, a forest conservation plan shall be submitted to and approved by the Planning Department in accordance with the Frederick City Forest Conservation requirements of this Code (§ 721).
- (5) The chairman, vice chairman or secretary of the commission may approve and sign the Final Plat upon receipt of a letter from the Planning Director that such plat meets all requirements of this section and all conditions for approval of such plat have been met.

12(e) Recording Final Plat

Upon the approval by the Planning Commission of the Final Plat, and the affixing of necessary signatures, a print thereof shall be filed promptly for record with the clerk of the Frederick County Circuit Court, by the secretary of the Planning Department, who shall also distribute other prints as follows: One to the supervisor of assessments, one or more to the Planning Department's and Engineering Department's files, and one or more to the subdivider. The tracing or a duplicate thereof shall be retained by the Planning Department.

13 Sec. 509 PHASING OR REVISING APPROVED PLATS

The applicant and the City may enter into a development rights and responsibilities agreement (DRRA) pursuant to § 321 if the application includes multiple final plats. The DRRA may address the timing and sequence of final plats, building permits, and/or the improvements required by this Code.

¹⁷Sec. 510 MODIFICATIONS

(a) Applicability

The following requirements may be modified by the Commission, based on a written request for a modification or variance from this Article addressed to the Commission in writing, stating all facts warranting the modification. The Commission shall receive recommendations from the appropriate agencies and take those comments into consideration in approving or denying any modification request.

- Access Management (§ 601)
- Archeological Protection (§ 603)
- Building Design Standards (§ 604)
- Landscaping Standards (§ 605)
- Lots and Blocks (§ 606)
- Parking and Loading Standards (§ 607)
- Parks and Open Space (§ 608)
- Street Improvement Standards (§ 611)
- Utilities and Easements (§ 612)
- Floodplain Management (§ 720)
- Forest Conservation (§ 721)
- Stormwater runoff (§ 741)
- Accessory Structures (§ 803)

(b) Grounds for modification

The standards and requirements of this article may be modified by the Commission which, in the judgment of the Commission, will provide adequate public spaces and improvements for the circulation of traffic, recreation, light, air, and service needs of the tract when fully developed and populated, and which also will provide proper legal provisions to assure conformity to the achievement of the plan. The Commission shall also have the power to set conditions of approval and modify or vary the requirements of this article where, in the opinion of the Commission, the preservation or creation of open space, the prevention of soil erosion or the preservation of exceptional natural topography and trees worthy of preservation in the public interest will be best served thereby.

(c) Standards

The Planning Commission shall not modify a standard unless the applicant demonstrates the following:

- (1) either -
 - A. the property is subject to unusual conditions that make it impracticable or undesirable to insist upon strict adherence, or
 - B. the subdivision is subject to a Master Plan (see § 310) that provides safeguards and restrictions that mitigate the requested modification; and
- (2) the modification does not conflict with the general purpose and intent or the regulation subject to modification, and
- (3) the modification does not conflict with any provision of the Comprehensive Plan or with the general purpose and intent of these regulations.

Sec. 511 LIMITATIONS ON ISSUANCE OF BUILDING PERMITS

- (a) A building permit shall not be approved for the construction of a dwelling or other structure, unless such structure is to be located on a lot or parcel of land which is shown on the most recently plat recorded in the plat books of the county or a lot of record as of February 15, 1965, and which has access as prescribed in Section 601.
- (b) A building permit shall not be approved for the construction of a dwelling or other structure, which is located on more than one (1) lot, which crosses a lot line, which is located on the unplatted remainder of a resubdivided lot, or which is located on an outlot, except as follows:
 - (1) A building permit may be approved for development that crosses a lot line where a wall is located on, but not over, the lot line and there are projections for the roof, eaves, and foundation footings which project not more than 2 feet across the vertical plane of the lot line; and projections for sills, leaders, belt courses and similar ornamental features which project not more than 6 inches across the vertical plane of the lot line.
 - (2) A building permit may be approved for an underground parking facility that crosses the vertical plane of any lot line, as projected below grade, and extends into a public right-of-way if approved by the appropriate public agency.
 - (3) A building permit may be approved for the reconstruction of a one-family dwelling that is located on part(s) of the most recently previously platted lot(s), recorded by deed prior to February 15, 1965, in the event that the dwelling is destroyed or seriously damaged by fire, flood or other natural disaster.
 - (4) A building permit may be approved for an addition to an existing one-family dwelling, a porch, deck, fence or accessory structures associated with an existing one-family dwelling located on part(s) of the most recently previously platted lot(s), recorded by deed prior to February 15, 1965.
- (c) A building permit may be approved if the proposed construction is located within an antiquated building restriction line depicted on the final plat, provide said proposed construction complies with all provisions of this Code. Antiquated notes or setback standards depicted on the final plat, which are no longer accurate or reflect current standards of this Code, shall not preclude approval of a building permit, provided the building permit complies with all provisions of this Code.

Sec. 512 DEDICATION; VACATION OF PLATS

- (a) The subdivision applicant, his heirs or assigns, may apply to abandon the dedicated land or the subdivision of lands so made. In addition to the above-authorized petitioners, the City may file a petition to abandon any dedicated areas above described.
- (b) The Mayor and Board of Aldermen may authorize the abandonment of such land or such subdivision in whole or in part in accordance with the provisions of § 22-22.2 of the City Code.
- (c) The provisions of § 22-22.2 of the City Code also apply to abandonments applied for under this section. Upon filing the initial petition for abandonment under this section, the petitioner shall serve a copy of such petition upon all agencies, municipal corporations and public utilities designated in § 22-22.2 of the City Code.

Sec. 513 VIOLATIONS

- (a) An owner or agent of an owner of land located within a subdivision who transfers or sells or agrees to sell or negotiate to sell any land by reference to, exhibition of, or other use of a plat of a subdivision before the plat has been approved by the Planning Commission and recorded or filed in the office of the county clerk, shall be subject to a civil penalty of not less than \$200 and not exceeding \$1,000 for each lot or parcel transferred or sold or agreed or negotiated to be sold.
- (b) 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 does not exempt the transaction from the penalties or the remedies provided in this section.
- (c) The City may seek to:
 - (1) Enjoin the transfer, sale, or agreement in any court of equity; or
 - (2) Recover the penalty by civil action in a court of competent jurisdiction.
- (d) No building or other permit shall be issued for any subdivision or part thereof until all the requirements of these regulations and of law shall have been complied with.

Sec. 514 DENIAL OF A BUILDING PERMIT

Unless otherwise provided in this Code, no building permit shall be issued within any building restriction line or in other areas within a floodplain and /or non-tidal wetlands or on unsafe land for any building, structure or additions except for fences, agricultural structures, public utilities, and other such structures approved by the Commission as necessary for the safety and welfare of the citizens of the city.

^{5, 14}**Sec. 515 RESIDENTIAL RESUBDIVISION**

(a) Lots on a preliminary subdivision plat or final subdivision plat for the resubdivision of any residential lot, tract or other parcel of land that is a part of or surrounded by an existing residential subdivision previously recorded in a plat book, including proposed consolidation of previously recorded lots, shall be of the same character as other lots within the existing residential block, neighborhood or subdivision, based upon the following characteristics:

- (1) street frontage;
- (2) alignment;
- (3) size;
- (4) shape;
- (5) width;
- (6) area, and
- (7) suitability for residential use

(b) The applicant shall have the burden of demonstrating to the Planning Commission that for each of the foregoing seven characteristics, there is a high correlation between the characteristics of the proposed lots and those of the lots within the existing block, neighborhood or subdivision. The Planning Commission may approve the plat only after finding that it meets these criteria. If the proposed resubdivision does not meet the criteria, the Planning Commission shall deny the application.

- (c) In demonstrating that the proposed resubdivision meets the criteria as set forth in subsections (a) and (b) above, the applicant shall describe clearly in the original application submittal a narrative and on a map the existing block, neighborhood or subdivision with which the proposed lots are to be compared. The Planning Commission may accept or modify the applicant's description or the delineation of the area.

End Notes:

-
- ¹⁶ Supp. No. 8, Ord. No. G-09-19, § 6, 12-14-09 as previously amended under Supp No. 3 Ord. No. G-06-26, §129, 7-06 and Ord. No. G06-26, §13, 9-7-06
- ⁶ Supp. No. 3, Ord. No. G-06-26, § 12, 9-7-06
- ⁷ Supp. No. 3, Ord. No. G-06-26, § 13, 9-7-06
- ⁸ Supp. No. 3, Ord. No. G-06-26, § 14, 9-7-06
- ¹ Supp. No. 1, Ord. No. G-05-15, § 8, 9-15-05
- ² Supp. No. 1, Ord. No. G-05-15, § 9, 9-15-05
- ³ Supp. No. 1, Ord. No. G-05-15, § 10, 9-15-05
- ¹⁵ Supp. No. 8, Ord. No. G-08-21, §2, 12-18-08
- ⁴ Supp. No. 1, Ord. No. G-05-15, § 11, 9-15-05
- ⁹ Supp. No. 3, Ord. No. G-06-26, § 15, 9-7-06
- ¹⁰ Supp. No. 3, Ord. No. G-06-26, § 16, 9-7-06
- ¹¹ Supp. No. 3, Ord. No. G-06-26, § 17, 9-7-06
- ¹² Supp. No. 3, Ord. No. G-06-26, § 18, 9-7-06
- ¹³ Supp. No. 5, Ord. No. G-07-22, § 11, 10-18-07
- ¹⁷ Supp. No. 9, Ord. No. G-10-05, § 2, 4-25-10
- ⁵ Supp. No. 1, Ord. No. G-05-14, § 1, 9-15-05
- ¹⁴ Supp. No. 5, Ord. No. G-07-22, § 12, 10-18-07

Pages 323-350 RESERVED