

HOUSE BILL 1385

M3, L6

EMERGENCY BILL

3lr3177

By: **Delegate McDermott**

Introduced and read first time: February 14, 2013

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Sustainable Growth and Agricultural Preservation Act of 2012 – Deadline**
3 **Extension**

4 FOR the purpose of extending the deadline for a local jurisdiction to adopt a definition
5 or description of a major or minor subdivision if the local jurisdiction has a
6 definition or description pending approval as of a certain date; extending the
7 deadline for a local jurisdiction to adopt mapped growth tiers if the local
8 jurisdiction has mapped growth tiers pending approval as of a certain date;
9 making conforming changes; making this Act an emergency measure; and
10 generally relating to the subdivision of land and planning for growth.

11 BY repealing and reenacting, with amendments,
12 Article – Environment
13 Section 9–206(a)(5) and (6), (f), and (l)
14 Annotated Code of Maryland
15 (2007 Replacement Volume and 2012 Supplement)

16 BY repealing and reenacting, with amendments,
17 Article – Land Use
18 Section 1–502
19 Annotated Code of Maryland
20 (2012 Volume)

21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
22 MARYLAND, That the Laws of Maryland read as follows:

23 **Article – Environment**

24 9–206.

25 (a) (5) “Major subdivision” means:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (i) The subdivision of land:

2 1. Into new lots, plats, building sites, or other divisions
3 of land defined or described as a major subdivision in a local ordinance or regulation:

4 A. That is in effect on or before January 1, 2012; [or]

5 B. Adopted on or before December 31, 2012, if a local
6 jurisdiction chooses to create a definition or description applicable solely to this section
7 or if a local ordinance or regulation does not define or describe a major subdivision
8 under item A of this item; or

9 **C. ADOPTED ON OR BEFORE JULY 1, 2013, IF A**
10 **LOCAL JURISDICTION HAS A DEFINITION OR DESCRIPTION PENDING APPROVAL**
11 **FOR ADOPTION AS OF FEBRUARY 1, 2013; OR**

12 2. If a local jurisdiction has not adopted a definition or
13 description of a major subdivision on or before December 31, 2012, **OR JULY 1, 2013**,
14 under item 1 of this item, into five or more new lots, plats, building sites, or other
15 divisions of land; and

16 (ii) If the local ordinance or regulation has multiple definitions
17 or descriptions of a major subdivision under item (i) of this paragraph, the definition
18 or description of a major subdivision that is determined by the local jurisdiction to
19 apply for the purposes of this section.

20 (6) "Minor subdivision" means:

21 (i) The subdivision of land:

22 1. Into new lots, plats, building sites, or other divisions
23 of land defined or described as a minor subdivision in a local ordinance or regulation:

24 A. That is in effect on or before January 1, 2012; [or]

25 B. Adopted on or before December 31, 2012, if a local
26 jurisdiction chooses to create a definition or description applicable solely to this section
27 or if a local ordinance or regulation does not define or describe a minor subdivision
28 under item A of this item, provided that a minor subdivision defined or described in
29 the adopted ordinance or regulation does not exceed seven new lots, plats, building
30 sites, or other divisions of land; or

31 **C. ADOPTED ON OR BEFORE JULY 1, 2013, IF A**
32 **LOCAL JURISDICTION HAS A DEFINITION OR DESCRIPTION PENDING APPROVAL**
33 **FOR ADOPTION AS OF FEBRUARY 1, 2013, PROVIDED THAT A MINOR**

1 **SUBDIVISION DEFINED OR DESCRIBED IN THE ADOPTED ORDINANCE OR**
2 **REGULATION DOES NOT EXCEED SEVEN NEW LOTS, PLATS, BUILDING SITES, OR**
3 **OTHER DIVISIONS OF LAND; OR**

4 2. If a local jurisdiction has not adopted a definition or
5 description of a minor subdivision on or before December 31, 2012, **OR JULY 1, 2013**,
6 under item 1 of this item, into fewer than five new lots, plats, building sites, or other
7 divisions of land; and

8 (ii) If the local ordinance or regulation has multiple definitions
9 or descriptions of a minor subdivision under item (i) of this paragraph, the definition
10 or description of a minor subdivision that is determined by the local jurisdiction to
11 apply for the purposes of this section.

12 (f) On or after December 31, 2012, **OR JULY 1, 2013**, **FOR A LOCAL**
13 **JURISDICTION THAT HAS A DEFINITION OR DESCRIPTION OF A MAJOR OR MINOR**
14 **SUBDIVISION PENDING APPROVAL FOR ADOPTION AS OF FEBRUARY 1, 2013**, a
15 local jurisdiction:

16 (1) May not authorize a residential major subdivision served by
17 on-site sewage disposal systems, community sewerage systems, or shared systems
18 until the local jurisdiction adopts the growth tiers in accordance with § 5-104 of the
19 Land Use Article; or

20 (2) If the local jurisdiction has not adopted the growth tiers in
21 accordance with § 5-104 of the Land Use Article, may authorize:

22 (i) A residential minor subdivision served by on-site sewage
23 disposal systems if the residential subdivision otherwise meets the requirements of
24 this title; or

25 (ii) A major or minor subdivision served by public sewer in a
26 Tier I area.

27 (1) (1) This subsection applies to a residential minor subdivision in a Tier
28 II, Tier III, or Tier IV area.

29 (2) Except as provided in paragraphs (4) and (5) of this subsection, on
30 or after December 31, 2012, **OR JULY 1, 2013**, **FOR A LOCAL JURISDICTION THAT**
31 **HAS A DEFINITION OR DESCRIPTION OF A MINOR SUBDIVISION PENDING**
32 **APPROVAL FOR ADOPTION AS OF FEBRUARY 1, 2013**, if a tract or parcel of land is
33 subdivided into a residential minor subdivision leaving any remainder parcel or tract
34 of land:

35 (i) The residential minor subdivision may not be resubdivided
36 or further subdivided; and

1 (ii) The remainder parcel or tract of land may not be subdivided.

2 (3) Except as provided in paragraphs (4) and (5) of this subsection, on
3 or after December 31, 2012, **OR JULY 1, 2013, FOR A LOCAL JURISDICTION THAT**
4 **HAS A DEFINITION OR DESCRIPTION OF A MINOR SUBDIVISION PENDING**
5 **APPROVAL FOR ADOPTION AS OF FEBRUARY 1, 2013**, the subdivision plat of the
6 residential minor subdivision shall state that:

7 (i) The residential minor subdivision may not be resubdivided
8 or further subdivided;

9 (ii) The remainder parcel or tract of land may not be subdivided;
10 and

11 (iii) The subdivision plat is subject to State law and local
12 ordinances and regulations.

13 (4) On or after December 31, 2012, **OR JULY 1, 2013, FOR A LOCAL**
14 **JURISDICTION THAT HAS A DEFINITION OR DESCRIPTION OF A MINOR**
15 **SUBDIVISION PENDING APPROVAL FOR ADOPTION AS OF FEBRUARY 1, 2013**, if a
16 tract or parcel of land is subdivided into a residential minor subdivision, the
17 residential minor subdivision or the remainder parcel or tract of land may be
18 resubdivided or further subdivided if the subdivision or the remainder parcel or tract
19 of land is:

20 (i) Within a priority funding area as defined in Title 5, Subtitle
21 7B of the State Finance and Procurement Article; and

22 (ii) Designated for public sewerage service within 10 years in
23 the approved water and sewer plan.

24 (5) (i) A tract or parcel of land may be subdivided into a residential
25 minor subdivision in Tier II, Tier III, or Tier IV areas over time if each time a new lot
26 or parcel is created, the subdivision plat states the number of new lots, plats, building
27 sites, or other divisions of land that are left with the number of lots, plats, building
28 sites, or other divisions of land allowed as a subdivision.

29 (ii) Except as provided in paragraph (iii) of this paragraph,
30 when the tract or parcel of land that is subdivided over time reaches the total number
31 of lots, plats, building sites, or other divisions of land that are allowed as a residential
32 minor subdivision, the subdivision plat shall state that:

33 1. The residential minor subdivision may not be
34 resubdivided or further subdivided;

