

(d) All subdivision plats which contain lots below the hurricane tidal level of the Chesapeake Bay and its tributaries shall contain a notation on ~~such lots~~ **THE PLAT** as to the hurricane elevation established ~~for the area~~ by the Department of Natural Resources of the State of Maryland **FOR THE AREA AND THE LOTS AFFECTED. IN ADDITION, FIRST FLOOR ELEVATIONS OF ALL PRINCIPAL STRUCTURES BUILT WITHIN SUCH AREAS OR LOTS SHALL BE AT LEAST TWO (2) FEET ABOVE THE HURRICANE TIDAL LEVEL.**

Section 13-109.1 COMMUNITY FACILITIES

In order that open space and sites for public use may be properly located and preserved as the community develops, and in order that the cost of providing the public school, park and recreation sites necessary to serve the additional families brought into the community by subdivision development may be most equitably apportioned on the basis of the additional need created by the individual subdivision development, the following provisions are established.

(a) Open space, playgrounds and/or other recreational areas shall be dedicated in relationship to the number of dwelling units per gross acre as indicated below.

(1) The developer of single family OR DUPLEX subdivision except as stated below, shall provide one thousand (1000) square feet of recreational land per each and every lot or dwelling unit, **WHICHEVER IS GREATER**, within the proposed subdivision. Title to the land shall be unencumbered.

(2) Recreation areas for multi-family subdivisionS or developments with a density of six (6) dwelling units per gross acre and over shall be provided as follows:

- (i) 6 to 10 dwelling units per gross acre 13% of total gross area
- (ii) 10 to 15 dwelling units per gross acre 15% of total gross area
- (iii) 15 to 20 dwelling units per gross acre 17% of total gross area
- (iv) 20 and over 20% of total gross area

(3) Planned Unit Development as provided for in Section 13-123 shall provide at least 20% of the gross area for recreational use.

(4) ~~Subdivisions containing lots two (2) acres or larger in size and/or industrial~~ **INDUSTRIAL** and commercial subdivisions shall be exempt from this requirement.

(b) In apartment development under one (1) ownership, recreational land for community recreational use shall be dedicated for perpetual recreational use and will not normally be subject to ownership by the County **AS IT IS TO BE DEDICATED FOR THE EXCLUSIVE USE OF THE TENANTS OF THE APARTMENT DEVELOPMENT.**

(c) The developer may when the land is not of significant quality and size for community or neighborhood purpose, and at the discretion of the Office of Planning and Zoning, pay a fee equal to one hundred dollars (\$100.00) per lot or per dwelling unit, whichever is greater in quantity, in lieu of the actual establishment of land areas for recreational purpose. Such payments shall be held in escrow and used by the County for the purpose of acquiring recreational land in the **SAME** area **AS THE SUBDIVISION** and shall be used for this and no other purpose.