

ARTICLE III: General ProvisionsSection 3-1. Subdivision Control

It shall be unlawful for the owner of any land within the jurisdiction of the Town to which these Regulations may apply, or any other person, firm, or corporation, to subdivide any lot, tract, or parcel of land, or layout, construct, open or dedicate for public use or travel, any street, sanitary sewer, storm sewer, drainage facilities, or other facilities in connection therewith, or for the common use of occupants of buildings within the subdivision, unless and until:

1. A plat of such subdivision is caused to be made in accordance with the regulations set forth herein and in Article 66B of the Annotated Code of Maryland, as amended;
2. Approval is secured as provided herein; and
3. Copies of said plat have been recorded in the office of the Clerk of the Court.

Section 3-2. Plat Approval Required

No plat of any subdivision shall be recorded until it shall have been submitted and approved as provided herein.

Section 3-3. Transfer of Land - Issuance of Building Permits

1. No land in a subdivision created after the adoption of these Regulations shall be transferred, sold, or offered for sale, nor shall a building permit be issued for a structure thereon, until a final plat of such subdivision shall have been recorded in accordance with these Regulations and the provisions of the State, and until the municipal improvements required in connection with the subdivision have either been constructed or guaranteed as hereinafter provided.
2. No building depending upon public water and sewerage facilities shall be permitted to be occupied before such facilities are fully provided and operational.

Section 3-4. Provisions of Ordinance Declared to be Minimum Requirements

In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, safety, morals or general welfare. Wherever the requirements of the Ordinance are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, deed restrictions or covenants, the most restrictive or that imposing the higher standards, shall govern.

Section 3-5. Appeal from this Ordinance

Any person or entity aggrieved by the decision of the Town Administrator in connection with duties and authorities granted to said Administrator within this Ordinance, may appeal that decision to the Planning Commission within fifteen (15) days after notice of the decision of the Town Administrator.

Any person or entity aggrieved by the decision of the Planning Commission shall have the right of appeal to the Circuit Court for Cecil County within thirty (30) days after notice of the decision of said Planning Commission; said appeal shall be taken in accordance with the Maryland Rules of Procedures as they apply to appeals from Administrative Agencies.

Section 3-6. Variances

1. Hardship

Where the Planning Commission finds that extraordinary hardships may result from strict compliance with these regulations, it may vary the regulations so that substantial justice may be done and the public interest secured; provided that such variance will not have the effect of nullifying the intent and purpose of the Comprehensive Plan or these Regulations.

The Planning Commission shall determine extraordinary hardship if it finds all of the following facts in regard to the subdivision:

a. That the land is of such shape or size, or is affected by such topographical conditions, or is subject to such title limitations of record that it is impossible or impractical for the subdivider to comply with all of the regulations of this ordinance;

b. That the granting of the variance will not be detrimental to the public welfare or injurious to other property in the vicinity of the subject property.

2. Conditions

In granting variances and modifications, the Planning Commission may require such conditions as will, in its judgement, secure substantially the objectives of the standards or requirements so varied or modified.

Section 3-7. Fees

1. Fees to partially cover the cost of considering and examining the several plats and plans required herein and for recording the final plat shall be collected from the applicant at the time of filing a preliminary plat, in accordance with a fee schedule of charges adopted by resolution of the Mayor and Commissioners. If a preliminary plat is not filed, fees shall be collected at the time of filing the final plat.
2. The fee schedule shall be posted in the Town Office and may be altered or amended only by the Mayor and Commissioners upon recommendation of the Planning Commission.
3. A basic fee shall be charged for each subdivision plat review and an additional fee shall be added for each lot over two, within the subdivision.
4. In the event that a proposed subdivision plat is of such complexity and/or potential local impact that outside professional assistance is required, the Town shall select the professional of its choice. Costs of this work shall be borne by the subdivider.

Section 3-8. Amendments

The regulations, restrictions and boundaries set forth in this Ordinance may from time to time be amended, supplemented, changed, or repealed, provided, however, that no such action may be taken until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. At least fifteen days notice of the time and place of such hearing shall be published in a newspaper of general circulation in the Town. Any proposed amendment shall be submitted to the Planning Commission for report and recommendation prior to any action thereon by the Mayor and Commissioners of the Town.

Section 3-9. Resubdivision of Land

1. Procedure for Resubdivision

For any change in a map of an approved or recorded subdivision plat, if such change affects any street layout shown on such map, or area reserved thereon for public use, or any lot line, or if it affects any map or plan legally reached prior to the adoption of any regulations controlling subdivisions, such parcel shall be approved by the same procedure, rules, and regulations as for a subdivision. The Town Administrator may approve resubdivision of minor subdivisions and may also approve minor adjustments to lot lines on major subdivisions, previously approved by the Planning Commission, when the Town Administrator deems it to be appropriate.

2. Addition and Subtraction of Lots

Whenever the owner of a lot wishes to add additional land to said lot, a survey plat filed, to be reviewed by the Town Administrator, shall contain the following:

- a. A boundary survey of additional land.
- b. The lot or parcel to which the addition is being made.
- c. The original lot or parcel as required below:
 - (1) If five acres or under remains, a boundary survey shall be made:
 - (2) If over five acres remains, a deed plotting can be made.
- d. When applicable, the signature of a registered surveyor certifying it is an accurate survey.
- e. A signature block for the Town Administrator's approval.
- f. A note on the plat stating the following: "Application is hereby made for your approval of the indicated transfer of land solely for adding to adjoining holdings and not for development. Any future subdivision of this land or building development will be submitted in the regular manner for approval in accordance with the existing Subdivision Regulations".

g. A road dedication, if applicable.

3. Procedure for Subdivisions Where Future Resubdivision is Indicated

Whenever a parcel of land is subdivided and the subdivision plat shows one or more lots containing more than one acre of land and there are indications that such lots will eventually be resubdivided into small building sites, the Planning Commission may require that such parcel of land allow for the future opening of streets and the ultimate extension of adjacent streets. Easements providing for the future opening and extension of such streets may be made a requirement of the plat.

Section 3-10. Vacation of Plats

1. Any plat or any part of any plat may be vacated by the owner of the premises, at any time before the sale of any lot therein, by a written instrument, to which a copy of such plat shall be attached, declaring the same to be vacated.

2. Such an instrument shall be approved in the same manner as provided herein for plats of subdivisions. The Mayor and Commissioners may reject any such instrument which abridges or destroys any public rights in any of its public uses, improvements, streets, or alleys.

3. Such an instrument shall be executed, acknowledged or approved, and recorded or filed, in like manner as plats of subdivisions; and being duly recorded or filed shall operate to destroy the force and effect of the recording of the plat so vacated, and to divest all public rights in the streets, alleys, and public grounds, and all dedications laid out or described in such plat.

4. When lots have been sold, the plat may be vacated in the manner herein provided by all the owners of lots in such plat joining in the execution of such writing.

Section 3-11. Enforcement of This Ordinance

1. This Ordinance shall be enforced by a duly empowered Town Official.

2. Whoever, being the owner or agent of the owner of any land located within a subdivision, transfers or sells or agrees to sell or negotiate to sell any land by reference to or exhibition of or by other use of a plat of a subdivision, before such plat has been approved in the manor as provided herein and recorded or filed in the office of the Clerk of the Court, shall forfeit and pay a penalty of not less than two hundred dollars (\$200) and not more than one thousand dollars (\$1,000) in the discretion of the court for each lot or parcel so transferred or sold or agreed or negotiated to be sold; and the description of such lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties or from the remedies herein provided. The Town may enjoin such transfer or sale or agreement by action for injunction brought in any court of equity jurisdiction or may recover the said penalty by civil action in any court of competent jurisdiction.

(Effective 12/26/93 per Ordinance No. 93-11-4)

Section 3-12. Repeal of Conflicting Ordinances; Effective Date

All ordinances or parts of ordinances in conflict with this subdivision ordinance, or inconsistent with the provisions of this ordinance, are hereby repealed to the extent necessary to give this ordinance full force and effect. This ordinance shall become effective on April 26, 1981.

Section 3-13. Separability Clause

Should any section or provision of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not effect the validity of the ordinance as a whole or any part thereof other than part so declared to be unconstitutional or invalid.