

ARTICLE IV: Approval ProceduresSection 4-1. Introduction

This article explains the three-stage approval process for major subdivision plats and the process required for minor subdivisions. The three stages outlined herein as Part A, Part B, and Part C, and the procedures pertaining thereto, shall be followed in all subdivisions of five lots or more unless the Planning Commission, upon review of the tentative sketch plan, shall determine that the Preliminary plat stage can be omitted.

1. Minor Subdivision - for a minor subdivision of four lots or less on an existing public street, a preliminary plat shall not be required. In this latter case, the procedures and plats and data required by the Town Administrator shall be as follows:

a. The Town Administrator has the authority to approve minor subdivisions of land and/or minor adjustments in lot lines without the necessity of the Subdivision complying with preliminary plat procedures or going before the Planning Commission, provided that before any such administrative approval, the Cecil County Technical Advisory Committee shall review any such minor subdivision and make whatever comments the Committee members feel inclined to do.

b. A property owner shall apply to the Planning Commission for approval of up to four (4) lots by submitting a combined preliminary/final plat, provided that the proposed subdivision does not involve a proposed new street. The combined preliminary/final plat application shall be submitted on forms approved by the Town and the appropriate fees shall be paid. The combined preliminary/final plat shall follow all requirements of a normal final plat as provided in Section 6-4.

The combined preliminary/final plat shall also contain the following information:

1) Existing topography at two or five-foot contour intervals. Contour lines shall be indicated at least fifty (50) feet beyond the subdivision boundary. Contours shall be based upon government bench marks when available or be estimation from United States Geological Survey quadrangle maps unless otherwise required by the Planning Commission. A reference or bench mark

shall be described on the plat, together with elevation. The source of contours shall be stated on the plat.

2) All existing pertinent features, either natural or man-made, that may influence the design of the subdivision, such as important trees or wooded areas, power transmission towers, existing buildings and structures and watercourses.

3) Location of existing and recorded utility easements on or within two hundred (200) feet of the tract. This should include electric and telephone poles, underground cables and towers.

4) Location and extent of permanent erosion and sediment control facilities (e.g., sedimentation ponds, drainage ditches, diversion terraces, etc.), if required by the Cecil County Soil Conservation District, shall be shown, as well as location of wells, septic disposal areas, percolation information and soil types.

5) Information required by the Town of North East Critical Area Program, including but not limited to the Critical Area Buffer, SD-1 Critical Area District, the Critical Area Boundary line on parcels created and Habitat Protection Areas, forests and developed woodlands on or in the vicinity of the proposed minor subdivision, limits of tidal wetlands, the mean high water line and an environmental assessment.

6) The location and extent of existing and/or proposed shore erosion abatement approaches.

c. The Town Administrator may require full compliance with the major subdivision approval process where special problems prevail in a Minor Subdivision Application or where prior subdivision has occurred. In any case, no more than four (4) parcels may be approved administratively under this minor subdivision approval process from any lot or parcel of land which was in existence on the date of original enactment of these Subdivision Regulations, April 26, 1981.

d. An applicant for a minor subdivision may appeal any decision of the Town Administrator in the minor subdivision approval process to the Planning Commission. The Town Administrator may also refer questions or the

entire approval process to the Planning Commission in cases of question or difficulty.

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

PART A. TENTATIVE SKETCH PLAN

Section 4-2. Purpose

The purpose of the "Tentative Sketch Plan" is to afford the applicant the opportunity to consult early and informally with Town officials and the Planning Commission and agencies before preparation of the preliminary plat and formal application for approval.

During the "Tentative Sketch Plan" procedure, the applicant can advantageously make use of the services of the administrative personnel of the Town as well as the Planning Commission to help him analyze the problem of the development and plan more adequately for its sound coordination with the community. This procedure also affords the Town the opportunity to give informal guidance to the applicant at a stage when potential points of difference can be more easily resolved. It can also simplify official actions and save unnecessary expense and delay.

Section 4-3. Procedure

1. Applicant prepares sketch plan and accompanying application containing information as specified in Section 6-1.
2. Applicant submits four copies of the sketch plan and application to the Administrator.
3. The Administrator checks submission against a checklist for completeness; and
 - a. if submission is incomplete, immediately returns submission to applicant and indicates deficiencies; or
 - b. if submission is complete, accepts sketch plan and application.
4. The Administrator shall immediately distribute copies of the sketch plan and application to:

- a. President and Commission - one (1) copy;
 - b. Planning Commission - one (1) copy;
 - c. Cecil County Planning Director - one (1) copy;
 - d. one (1) copy shall be retained for the Town files.
5. At first regular meeting held fifteen (15) days following receipt of the complete submission by the Administrator, the Planning Commission:
- a. receives and reviews the applicant's submission;
 - b. receives and reviews reports by Town and County agencies;
 - c. hears applicant's presentation; and
 - d. discusses submission with the applicant.
6. The Planning Commission either the same evening or at least within one (1) month following the receipt of the applicant's submission by the Commission shall:
- a. evaluate applicant's submission, presentation, discussion with applicant, and reports from Town and County agencies;
 - b. determine whether the sketch plan meets the objectives and requirements of these regulations and other applicable regulations and ordinances; and
 - c. inform the applicant in writing the decision, including required changes in the sketch plan and the reasons for the decision.

PART B. PRELIMINARY PLAT**Section 4-4. Purpose**

The purpose of the preliminary plat is to require formal conditional approval in order to minimize changes and revisions before a final plat is submitted.

The preliminary plat shall be submitted prior to the completion of the final surveys of streets and lots, and before any street grading or street construction has been started, and before any map of said subdivision is made in final form for recording.

The preliminary plat and all information and procedures relating thereto shall in all respects be in compliance with the provisions of these regulations, except where variation therefrom may be specifically authorized in writing by the Planning Commission.

Section 4-5. Procedure

1. Applicant prepares preliminary plat and application in accordance with Section 6-2.
2. Applicant submits six (6) copies of the preliminary plat and application to the Administrator.
3. Administrator checks submission against checklist for completeness; and
 - a. if submission is incomplete, immediately returns submission to applicant and indicates deficiencies;
 - b. if submission is complete, accepts preliminary plat, application and fees.
4. Administrator shall immediately distribute copies of the preliminary plat and application to:
 - a. President and Commission - one (1) copy;
 - b. Planning Commission (at least 10 days prior to its next regularly scheduled meeting) - two (2) copies;
 - c. Town Engineer and other agencies as applicable – one (1) copy each;

- d. Cecil County Planning Director - copies as required;
 - e. one (1) copy shall be retained for the Town files.
5. At first regular meeting following receipt of the complete submission to the Administrator, the Planning Commission
- a. receives and reviews the applicant's submission;
 - b. receives and reviews reports from Town and other agencies;
 - c. hears applicant's presentation; and
 - d. discusses submission with the applicant.
6. The Planning Commission, either the same evening or at least within one (1) month following the receipt of the applicant's submission by the Commission shall:
- a. evaluate applicant's submission, presentation, discussion with the applicant, and reports from Town agencies;
 - b. determine whether the preliminary plat meets the objectives and requirements of the Town subdivision regulations and other regulations and ordinances; and
 - c. inform the applicant in writing the decision including required changes in the preliminary plat and the reasons for the decision.
7. The action of the Planning Commission shall be noted on two copies of the preliminary plat, referenced and attached to any conditions determined. One copy shall be returned to the subdivider and the other retained by the Planning Commission.
8. Conditional approval of a preliminary plat shall not constitute approval of the final plat. Rather it shall be deemed an expression of approval of the preliminary plat as a guide to the preparation of the final plat. Upon fulfillment of the requirements of these regulations and the conditions of the conditional approval, if any, the final plat shall be submitted for the approval of the Planning Commission and for recording with the Clerk of the Circuit Court.

9. Should the subdivider fail to submit to the Planning Commission a final plat affecting all or part of the area covered by the preliminary plat within one year of the date of the conditional approval, the conditional approval shall expire.

PART C. FINAL PLAT

Section 4-6. Purpose

The purpose of the final plat is to require formal approval by the Planning Commission before plats for all subdivisions are recorded as required by Article 66B of the Annotated Code of Maryland.

Section 4-7. General

A final plat shall be submitted conforming to the preliminary plat as approved. The final plat and all information and procedures relating thereto shall in all respects be in compliance with the provisions of these Regulations, except where variation therefrom may be specified in writing by the Planning Commission. The final plat may constitute only that portion of the approved preliminary plat which the subdivider proposes to record and develop at the time.

Section 4-8. Procedure

1. Applicant prepares final plat and application in accordance with Section 6-3.
2. Applicant submits six (6) copies of the final plat and application within one (1) year from the date of receiving conditional approval of the preliminary plat to the Administrator.
3. Administrator checks submission against checklist for completeness; and
 - a. if submission is incomplete, immediately returns submission to applicant and indicates deficiencies; or

- b. if submission is complete, accepts final plat and application.
4. Administrator shall immediately distribute copies of the final plat and application to:
 - a. President and Commission - one (1) copy;
 - b. Planning Commission (at least 10 days prior to its next regularly scheduled meeting) - two (2) copies;
 - c. Town Engineer and other agencies as applicable - one (1) copy;
 - d. Cecil County Planning Director - copies as required;
 - e. one (1) copy shall be retained for the Town files.
5. At first regular meeting following receipt of the complete submission to the Administrator, the Planning Commission
 - a. receives and reviews the applicant's submission;
 - b. receives and reviews report by the Town Engineer and other agencies;
 - c. hears applicant's presentation; and
 - d. discusses submission with the applicant.
6. The Planning Commission, either the same evening or within one (1) month following the receipt of the applicant's submission by the Commission shall:
 - a. evaluate applicant's submission, presentation, discussion with applicant, and the Town agencies' report;
 - b. determine whether the final plat meets the objectives and requirements of the Subdivision Regulations and other applicable regulations and ordinances; and

c. inform the applicant in writing the decision, including required changes and the reasons for the decision.

7. If approved:

a. the Planning Commission shall adopt a resolution approving the final plat;

b. approval shall not be final until entry into contract and production of improvement guarantee as set forth in Article V;

c. three (3) exact copies of the approval final plat on linen or mylar with the required signatures as specified in Section 6-4, and one (1) additional copy on mylar or other reproducible base shall be submitted to the Planning Commission.

8. The Planning Commission shall then file the three (3) linen or mylar prints as required for record with the Clerk of the Court of Cecil County, and shall distribute other prints to official agencies as may be needed.

Section 4-9. Effect of Recording

1. Streets, parks, and other public improvements shown on a subdivision plat to be recorded may be offered for dedication to the Town by formal notation thereof on the plat, or the owner may note on the plat that such improvements have not been offered for dedication to the Town.

2. Recording of the final plat by the Planning Commission shall not be deemed to constitute or effect an acceptance by the public of the dedication of any street or other proposed public park or improvement shown on said plat, but improvements so noted for dedication may be accepted by the public through any subsequent appropriate act.

PART D. ACCEPTANCE OF STREETS AND IMPROVEMENTS BY THE TOWN

Section 4-10. Preliminary Inspection

1. The applicant shall notify the Administrator of the completion of the required improvements.

2. The Administrator shall:

- a. inspect the completed required improvements; and
- b. submit in writing a report to the President and Commission specifying those items of construction, material, and workmanship which do not comply with the Town specifications or the approved final plat.

3. The applicant upon notification from the Administrator shall:

- a. proceed, at his own cost, to make such corrections as shall be required to comply with the Town specifications and approved final plats; and
- b. notify the Town upon completion, requesting final inspection.

Section 4-11. Final Inspection

The President and Commission and Administrator shall make a final inspection with the applicant of all required improvements.

Section 4-12. Acceptance

If improvements are to be accepted by the Town, the President and Commission shall notify the applicant of acceptance of the required improvements if satisfied that the applicant has complied with all specifications and ordinances of the Town.