

## **ARTICLE III MINOR SUBDIVISION APPROVAL**

### **Section 1. Minor Subdivision Approval**

The purpose of this section is to establish the procedure that shall be followed by the developer, the Planning Commission, and the Town staff in preparing, reviewing, and approving any subdivision defined as a minor subdivision under the provisions of these regulations.

1. The Planning Commission shall approve or disapprove minor subdivision final plats in accordance with the provisions of this section.
2. The applicant for minor subdivision plat approval, before complying with Subsection 3., shall submit a sketch plan to the Administrator for a determination of whether the approval process authorized by this Section can be and should be used. The Planning Commission may require the applicant to submit whatever information is necessary to make this determination, including, but not limited to, a copy of the tax map showing the real property being subdivided and all lots previously subdivided from that tract of land within the previous five (5) years.
3. Applicants for minor subdivision approval shall submit to the Planning Commission a plat conforming to the requirements set forth in Article IV, Section 11 and Appendix A.
4. The Planning Commission shall take expeditious action on an application for minor subdivision plat approval as provided herein. However, either the Planning Commission or the applicant may at any time refer the application to the major subdivision approval process.
5. Not more than a total of three lots may be created out of one tract using the minor subdivision plat approval process, regardless of whether the lots are created at one time or over an extended period of time starting with the original effective date of this ordinance.
6. If the subdivision is disapproved, the Planning Commission shall promptly furnish the applicant with a written statement of the reasons for disapproval.
7. Minor subdivisions shall comply with all requirements pertaining to the Elkton Critical Area as established in the Elkton Zoning Ordinance and herein.
8. Approval of any plat is contingent upon the plat being recorded within nine (9) months after the date the Certificate of Approval is signed by the Planning Commission or their designee.
9. Compliance with the requirements as set forth in Article IV, Section 1.2.b(4) and 1.2.b(5) of the Elkton Subdivision Regulations relative to adjoining property owner notification and posting.

### **Section 2. Resubdivision, Addition and Subtraction of Lots**

1. Resubdivision
  - a. Any modification, division, addition, deletion, or correction which is proposed to a previously recorded lot or lots in a subdivision, the owner must file a "re-subdivision plat" to be approved by those agencies normally approving Final Plats and recorded by the Developer together with a notation in the form of a resolution, which shall be affixed

to the resubdivision plat. Changes occurring as a result of highway, road or street improvement which require additional right-of-way shall not be require a resubdivision plat to be recorded.

- b. In cases where two (2) or more lots in the same ownership are effectively utilized to meet zoning requirements for setbacks, yard requirements, density requirements, etc., a resubdivision plat combining the affected lots into one lot will be required. An exception to this will occur only when two lots are under one deed. Any remaining lots shall conform to all existing Zoning requirements and; if conveyed shall not effectively create a zoning violation on the remaining lots. If these two conditions cannot be met, the lot or lots involved shall also be included on the resubdivision plat and shall become part of the single parcel thereby created.

## 2. Addition and Subtraction of Lots

When the owner of a lot or parcel wishes to add additional land to said lot or parcel the following requirements apply:

- a. A survey plat showing the following shall be submitted:

- (1) Boundary survey of additional land.
- (2) The lot or parcel to which the addition is being made.
- (3) The original lot or parcel as shown by a boundary survey.
- (4) The signature of a registered surveyor certifying it as an accurate survey.
- (5) A signature block for Planning Commission approval.
- (6) 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".

- b. No transfer of land shall be approved if the original lot from which the transfer was made causes said lot to be less than the minimum lot size for its zoning district or causes the lot to be in violation of any other applicable zoning or health requirement.
- 3. The Planning Commission is empowered to approve land transfers described in this section and such approval shall be noted on the survey plat.
  - 4. The recorded survey plat shall be recorded with the Clerk of the Circuit Court of Cecil County.