

ARTICLE IV MAJOR SUBDIVISION APPROVAL

Section 1. Major 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 major subdivision under the provisions of these regulations. The provisions of these regulations shall be considered as minimum requirements to promote and protect health, safety and general welfare of the citizens of Elkton. The Planning Commission shall require each subdivision to conform to the Zoning Ordinance applicable thereto.

1. Types of Major Subdivision Plans. The following plan types are hereby created and defined as the basic approval steps needed for a major subdivision:
 - a. Pre-application/Concept Plan. Allows the Planning Commission, and/or technical review staff input in the formative stages of subdivision design including consideration of a conceptual stormwater management plan and a Forest Stand Delineation and Preliminary Forest Conservation Plan
 - b. Preliminary Subdivision Plat. All proposed major subdivisions shall be first considered by the Administrator as a preliminary subdivision plat. Upon approval of this plat by the Planning Commission, the developer may seek improvement plan approval from the Town. No lot may be sold or transferred or building permit obtained based upon an approved preliminary subdivision plat. Preliminary subdivision plats shall be accompanied by a preliminary stormwater management plan and preliminary forest conservation plan.
 - c. Improvement Plan. The improvement plan is a detailed construction plan for public improvements to be developed in conjunction with a subdivision, such as streets (public or private), storm drainage, sanitary sewers, potable water, stormwater management and other public facilities as well as afforestation or reforestation. Upon approval of this plan by the Town, the developer may construct such improvements in accordance with the approved improvement plan.
 - d. Final Subdivision Plat. Major subdivision plats shall receive their last official consideration by the Planning Commission as a final subdivision plat. Upon approval of the final subdivision plat by the Planning Commission and subsequent recordation, lots may be sold or transferred and building permits obtained in accordance with the approved final subdivision plat.
 - e. General Development Plan. This mechanism is designed to permit the developer of a large-scale project to go before the Planning Commission with a conceptual description of the development including stormwater management and forest conservation, but not full engineering details of the project, and secure formal approval of basic development parameters.
2. Pre-Application. For the purpose of expediting applications and reducing subdivision and site plan design and development costs, the developer may request a pre-application conference and/or concept plan in accordance with the following requirements:

- a. Pre-Application Conference.
 - (1) The pre-application conference shall allow the applicant to meet with Town planning and engineering staff.
 - (2) Applicants seeking a pre-application conference shall submit the information stipulated in Appendix A of this ordinance twenty (20) working days prior to the conference.
 - (3) The applicant shall not be bound by the determination of the pre-application conference, nor shall the Planning Commission or staff be bound by any such review.

- b. Concept Plan.
 - (1) In addition or as an alternative to the pre-application conference, the Planning Commission shall review a concept plan. If the proposed subdivision includes only a portion of a tract, a concept plan shall be required showing the general layout of lots, streets, open space and other information as required in Appendix A of these regulations. Concept shall be mandatory for major site plans and major subdivision plans.

The purpose of the concept plan is to provide Planning Commission and staff input in the formative stages of subdivision and site plan design.
 - (2) Applicants seeking concept plan informal review shall submit the items stipulated in Appendix A of this ordinance twenty (20) working days before the concept plan meeting.
 - (3) The applicant shall not be bound by any concept plan for which review is requested, nor shall the Planning Commission be bound by any such review.
 - (4) Prior to the submittal of a concept plat to the Planning Commission, the applicant shall to the extent possible, based on best available information, notify by certified mail all contiguous (inclusive of property on the opposite side of street) property owners of the proposal to subdivide the property. Notification shall include the name, address and telephone number of the developer, date and time of the Planning Commission Meeting, the acreage and zoning of the parcel proposed for the subdivision, and the proposed number of lots. Proof of notification shall accompany the concept plan submittal
 - (5) Additionally, the applicant shall be responsible for the erection and maintenance of a clearly visible sign containing a copy of the proposed plat on each of the property's road frontages. Each plan shall be provided by the applicant and fabricated to specifications provided by the Planning Department. The signs shall be durable, weather resistant, have a minimum dimension of 30 inches by 36 inches and shall be maintained in place until the final plat approval. If the Director of Planning or his/her designee determines that the applicant has failed to maintain or properly install the sign(s) in compliance with these requirements, the proposed project will be withdrawn from the Planning Commission agenda.

Section 2. Preliminary Subdivision Plat

1. Step 1: Application and Distribution. To formally ask for action on the preliminary plat, the applicant shall file a completed application form, filing fee, and copies of the plat as follows:
 - a. 13 paper prints (folded to 9 x 12) of Preliminary Subdivision Plat
 - b. Completed and signed Preliminary Subdivision Plat Application
 - c. Completed and signed Preliminary Subdivision Plat Checklist.
 - d. Provide notification requirements as described in Section 1, Major Subdivision Approval, Paragraph 2, Subparagraphs (b) (4) and (b) (5) of this Article. (amended Ordinance 7-2014).

2. Step 2: Project Submittal.
 - a. Applications are submitted to the Planning Department for completeness at least 20 working days prior to the Planning Commission meeting.
 - b. A completeness review using the checklist will be conducted by the Planning Department, to be completed prior to Town's officially accepting application for distribution.
 - c. Applications found to be incomplete by the Planning Department during acceptance review shall be returned to the applicant with notification of the deficiencies within ten (10) working days.

3. Step 3: Review. The Planning Department and concerned agencies shall review the preliminary plats. The Planning Department will check the plat for substantial conformity with the Comprehensive Plan; Elkton's Critical Area Program, as applicable; requirements of the Zoning and Subdivision Regulations, including the intent and purpose of those ordinances; and recommendations of other Federal, state and County agencies.

4. Step 4: Agency Review.. The Planning Department may refer the subdivision and development plans to any agency (State, Federal, or County) which it deems appropriate for their comments and/or recommendations, the Planning Commission will determine the basis for approval or disapproval of a proposed subdivision or development plan.

Approvals for specific elements of a subdivision or development plan including, but not limited to, sedimentation and erosion control and sewerage disposal must come from those Departments or other agencies (State or Federal) having jurisdiction in that area. All requirements for acquiring approval of specific elements are contained in codes or regulations administered by the agency or department responsible and are not necessarily available in this regulation.

5. Step 5: Submittal/Distribution, Revised Plans (if Required).
 - a. Preliminary subdivision plats that have been revised as to address the comments of the review agencies shall then be submitted to the Planning Department for acceptance and

distribution to appropriate review agencies.

- b. If major redesign or major revision to the Preliminary Subdivision Plats is required, the submission shall be processed as a new submittal (Step 1). The Planning Commission will determine if the revisions constitute a major redesign or major revision.
6. Step 6: Agency Review, Revised Plat.
 - a. Review agencies review revised plat and comment in writing to Planning Commission.
 - b. Review agencies' comments or concurrence is sent to applicant and to the Planning Commission by the Planning Department.
7. Step 7: Planning Commission Agenda. Upon determination that Preliminary Subdivision Plat is in compliance with all applicable regulatory provisions, said plat is to be prepared for presentation to the Planning Commission for consideration and recommendation at the next available Planning Commission meeting.
8. Step 8: Planning Commission Meeting.
 - a. Preliminary Subdivision Plat applications listed on the Planning Commission Agenda for proposed action are presented by the Planning Department. The Planning Commission shall review the plat with regard to the following:
 - (1) Conformance to the land use provisions of Elkton's Comprehensive Plan as well as these Regulations, the Zoning Ordinance, Stormwater Management Regulations, Standard Specifications, Construction Details, and General Conditions for Construction Contracts as may be amended, and provisions of the Elkton Critical Area Program, where applicable;
 - (2) Guidelines that will promote the erection of buildings in areas that are free from danger of flooding, erosion, stream siltation, unsuitable sanitary conditions and other hazards; and
 - (3) Protection of wetlands, streams, areas of steep slopes and shoreline.
 - b. Applicant is notified in writing of Planning Commission recommendation.
9. Step 9: Planning Commission Action. No preliminary plats shall be considered for action by the Planning Commission until they have been reviewed, and recommendations have been made, by the appropriate review agencies, including but not limited to the Elkton Public Works Department, the Maryland State Highway Administration, the Health Department and the Cecil Soil Conservation District, as applicable. All preliminary plats shall be approved, conditionally approved, or disapproved within 90 days of the date they are officially filed for Planning Commission action. The Planning Commission shall act for approval, conditional approval with conditions noted, postponement, or disapproval. Reasons for action of postponement or disapproval and any requirements associated with a conditional approval shall be stated. The following actions by the Planning Commission shall have the meanings so stated:
 - a. Approval means that the developer is authorized to proceed with the preparation of the

required "improvement" plan. Preliminary plat approval automatically grants a developer two (2) years within which he shall submit final plats for all property shown on the preliminary plat for approval. Before expiration, the Planning Commission may extend the approval period in increments not to exceed one (1) year at a time. In connection with such request, the Planning Commission shall consider the following:

- (1) change in adjoining land use,
- (2) change in street and highway plan, and/or
- (3) change in zoning or subdivision regulations.

A request for extension of Preliminary approval shall be filed thirty (30) days prior to the expiration of the Preliminary Plat approval.

In conjunction with such approval extensions, the Planning Commission shall have the right to require changes in the development when it finds that time has necessitated such changes for the health, safety, and welfare of the residents of the community or when applicable ordinances and regulations have been changed. Upon the expiration of any approval period specified under this section, the plat shall be deemed as disapproved by the Planning Commission.

Any approved Preliminary Plat or any plat continued for further study by the Planning Commission shall be exempted from any changes in the subdivision regulations for a period of two (2) years from the date of approval of the Preliminary Plat. Exemptions from changes in subdivision regulations law shall not be extended even if the Preliminary Plat approval is extended as provided above.

- b. Conditional approval means the developer may proceed with preparation of the "improvement" plan, but only after the preliminary plat has been corrected to reflect all requirements placed on the plat by the action of the Planning Commission. Actual approval of the Preliminary Plat shall not be made until such conditions have been satisfied. The Planning Commission may allow conditions of preliminary plat approval to be addressed on the final plat.
- c. Postponement means Planning Commission action is delayed for definite reasons, which shall be noted by the Planning Commission. Certain specified changes may have to be made in the plats, but no completely new re-submittal of the plat is required of the developer. However, all preliminary plats shall be approved or disapproved within 90 days of the day they are officially filed for Planning Commission action unless the developer agrees to a longer postponement.
- d. Disapproval means disapproval of the plat. For further action, the developer must file a new application along with a filing fee and preliminary plat copies as required under Article IV, Section 1.

Section 3. Technical Review Procedure -- Improvement Plan

1. Step 1: Application and Distribution. The developer shall file the required copies of the improvement plan, prepared and stamped by a registered civil engineer, and fully conforming to

all applicable Town regulations and the approved preliminary plat with the Planning Commission's comments addressed.

2. Step 2: Review. The Planning Commission and/or other agencies shall review the proposed improvement plan and, within 120 working days, notify the developer in writing of the approval, conditional approval, or disapproval of the plan.
 - a. Approval means the developer is now authorized to proceed with preparation of the final plat.
 - b. Conditional approval means the developer may proceed as described above for "approval", but only after the required copies of the corrected improvement plan have been submitted to the Planning Commission. The improvement plan shall be deemed as disapproved if the fully corrected plan is not filed within ninety (90) days of the Planning Commission's notification.
 - c. Disapproval means disapproval for the reasons stated in the notification by the Planning Commission. For further consideration, the developer must resubmit the improvement plan as a completely new improvement plan.

Section 4. Final Plat Procedure

The final plat is the culmination of the subdivision process and shall include all information necessary to comply with this section of these regulations. The final plat is intended to become the official record of the division of land within a development and no lot therein may be sold legally until a Final Plat has been approved by the Planning Commission and recorded by the Developer. The Final Plat shall not be recorded until a Public Works Agreement and a signed letter of credit is posted.

The Final Plat shall basically follow the procedural requirements for Preliminary Plat procedure. All major final subdivision plats shall be processed as follows:

1. **Pre-Application Conference.** The developer is urged to prepare a draft of the proposal and discuss it informally with the Planning Commission and other government and utility agencies in order to share information and open a dialogue at the earliest stages of the process. This conference is not a mandatory pre-requisite to the formal filing of the final subdivision plat by the developer.
2. **Application, Distribution, and Review.** The application, distribution, and review procedures for final subdivision plats shall be generally a two-step procedure: pre-approval from any agency required to give approval, and approval by the Planning Commission. After approval of the Preliminary Plat, the Developer shall submit his Final Plat. Submittal shall be presented to the Planning Department. Applications are submitted to the Planning Department, at the Building and Planning Office, for completeness review at least twenty (20) working days before the Planning Commission meeting. Submittal shall be accompanied by 13 copies of the Final Plat, fees, and required Public Improvement Plans and shall be certified by the Planning Department as to the date of receipt and provide notification requirements as described in Section 1, Major Subdivision Approval, Paragraph 2, Subparagraphs (b) (4) and (b) (5) of this Article. (amended Ordinance 7-2014)

3. Planning Commission Action. All final plats shall be approved or disapproved within ninety (90) days of the date they are officially filed for Planning Commission action. The Planning Commission will review the staff and technical review agency recommendations and then act for approval, conditional approval with conditions noted, postponement, or disapproval. The reasons for action of postponement or disapproval and any requirements associated with a conditional approval shall be available to the developer and the public. The following actions by the Planning Commission shall have the meanings so stated:
 - a. Approval means the final plat is ready to be approved by the Planning Commission, with no further corrections or revisions of the plat required by the developer.
 - b. Conditional approval means the final plat cannot be approved by the Planning Commission until the developer has complied with the conditions of approval set forth in the Planning Commission's action on the plat.
 - c. Postponement means that the Planning Commission has deferred action in order that certain clarification can be made in regard to the plat. No completely new re-submittal is required of the developer as is the case for disapproval. However, all final plats shall be approved or disapproved within ninety (90) days of the date they are officially filed for Planning Commission action unless the developer agrees to a longer postponement.
 - d. Disapproval means disapproval of the plat. In order to request a new review and action, the developer must file a new application along with a filing fee, plat copies, and other material as required under this Section.
 - e. Final Plats must be brought before the Planning Commission at their regular meeting before they can be signed and recorded as directed by this regulation. The Chairman of the Planning Commission shall be empowered to sign the final plat when satisfactory review indicates that said plat meets all requirements of the Ordinance and all conditions of approval of said plat have been met. The final plat is reviewed against the preliminary plat and any modification contained herein. The authorized signature of the Health Department shall be affixed to the plat prior to signing by the Chairman. Upon approval, the developer, or his representative, shall submit to the Planning Department the original Final Plat and public improvement plans for signature by the various agencies.

Section 5. Guarantee of Improvements

Before the Planning Commission shall cause its approval to be endorsed upon the final plat of any subdivision, the Planning Commission shall require:

1. Prior to recordation, the owner shall enter into a written public works agreement with the town in the manner and form set by the Town Administrator, where he shall agree to:
 - a. Construct or cause to be constructed, at his own expense, all streets, curbs, sidewalks, fire hydrants, drainage facilities, street signs, monuments, water and sewerage facilities and other improvements shown on or accompanying said final plat when required to do so by the Planning Commission in accordance with the final plats, as finally approved, and in strict accordance with the standards and specifications of the town.

- b. Maintain at his own cost the said streets, curbs, sidewalks, fire hydrants, drainage facilities, street signs, monuments, water and sewerage facilities and other improvements, until the same are accepted by the town.
- c. Obtain the easements and releases required when any street, drainage facility or other improvement within a subdivision abuts or traverses the land of persons other than the person holding legal title to the lands of the subdivision, at his own cost; and obtain from the owner of the lands so abutted or traversed full releases from all damages which may result from a change in grade, construction, or otherwise, to the street, drainage facility or other improvement, and such releases shall benefit not only from the owner of the subdivision but the town as well.

Section 6. Required Surety

- A. In order to assure the town that the streets, curbs, sidewalks, fire hydrants, drainage facilities, street signs, monuments, water and sewage facilities and other improvements shown on or accompanying said final plats will be constructed and installed in strict accordance with the plats, as finally approved, and with the standards, regulations and specifications of the town and will be maintained until accepted by the town, the owner shall furnish to the town cash, a letter of credit or other financial surety as the Town shall approve in any amount sufficient to cover the cost, as estimated by the Town Engineer of the construction and installation of the aforesaid improvements, until the same shall be accepted by the town. The specific terms and conditions of this guaranty shall be included in the terms of the public works agreement required above.
- B. The improvement guaranty shall be conditioned upon:
 - 1. The owner constructing and installing or causing to be constructed or installed, in strict accordance with the final plat and accompanying submittals, as finally approved, and with the town standards and specifications, the streets, curbs, sidewalks, fire hydrants, drainage facilities, street signs, monuments, water and sewerage facilities and other improvements shown on or accompanying said final plat.
 - 2. The owner maintaining at his own cost said streets, curbs, sidewalks, fire hydrants, drainage facilities, street signs, monuments, water and sewerage facilities and other improvements until the same are accepted by the town for public use.
 - 3. Upon completion of the improvements and dedication to the Town, a minimum of 15% of the cost of said improvements shall be held by the Town for a two (2) year warranty period.
 - 4. The faithful performance by the owner of the contract provided for in these regulations.

Section 7. Endorsements and Certifications on Major Subdivision Plats

All subdivision plats shall contain the endorsements and certificates as required by the Town.

Section 8. Standards for Plat Preparation and Submittal

1. The Planning Commission shall make final determination on the completeness and accuracy of the plat in accordance with the provisions of this section prior to recordation of the plat. See Appendix A for a complete list of requirements for the Final Plat.
2. The final subdivision plat shall be submitted to the Planning Commission drawn on a reproducible sheet made of material that will be acceptable to the Clerk of the Circuit Court having dimensions of 18" x 24". When more than one sheet is required to include the entire subdivision, all sheets shall be made of the same size and shall show appropriate match marks on each sheet and appropriate references to other sheets of the subdivision. A location map indexing each of the sheets shall be submitted to the Administrator and kept on file. The scale of the plat shall be at one (1) inch equals not more than one hundred (100) feet. The applicant shall also submit 13 prints of the plat.
3. An accurately positioned north arrow shall be placed on the plat.
4. All plat lines shall be by horizontal (level) measurements. Enlargement of portions of a plat are acceptable in the interest of clarity, where shown as inserts on the same sheet.
5. Where a boundary is formed by a curved line, the following data must be given: actual survey data from the point of curvature to the point of tangency shall be shown as standard curve data, or as a traverse of bearings and distances around the curve. If standard curve data is used the bearing and distance of the long chord (from point of curvature to point of tangency) must be shown on the face of the plat.
6. Where a subdivision of real property is set out on the plat, all streets and lots shall be carefully plotted with dimension lines indicating widths and all other information pertinent to reestablishing all lines in the field. This shall include bearings and distances sufficient to form a continuous closure of the entire perimeter.
7. Permanent Reference Monuments, shown on the plat, shall be placed. Such permanent reference monuments shall be stone or concrete at least 24 inches in length and four (4) inches square with suitable center point and shall be set flush with the ground and to finish grade. Iron pipes measuring 1/2 inch in diameter and 18 inches in length shall be placed at all lot corners. Concrete monuments shall be placed on road right-of-ways where street direction changes. All locations shall be approved by the Planning Office. All monuments shall be in place when finish grading is completed. Monuments shall be placed at all block corners, and angle points as required by the Town Engineer, who shall also approve the material, size and length of such monuments. Pipes and monuments shall be set by a Maryland registered land surveyor. It shall be the responsibility of the developer to have these monuments placed prior to the acceptance of the streets by the Town of Elkton and shall be guaranteed in the Public Works Agreement. The developer shall be responsible and pay all costs necessary to replace any town grid monuments or control points disturbed by his development activities. Replacements shall be done by a Maryland registered surveyor to accurately place such monuments. Such payment to restore any monuments is to be secured by a Public Works Agreement.
8. If the final plat is disapproved by the Planning Commission, the applicant shall be furnished with a written statement of the reasons for the disapproval.
9. Approval of a final plat is contingent upon the plat being recorded within one (1) year after the approval of the plat by the Planning Commission or its designee. The subdivider will furnish

copies of the recorded plat to all applicable County and State agencies, as directed by the Building and Planning Office. If the final plat is not recorded one (1) year, the approvals granted by the Planning Commission will become null and void.

a. Before expiration, the Planning Commission may extend the approval period in increments not to exceed one (1) year at a time. In connection with such request, the Planning Commission shall consider the following:

- (1) change in adjoining land use,
- (2) change in street and highway plan, and/or
- (3) change in zoning or subdivision regulations.

A request for extension of Final Plat approval shall be filed thirty (30) days prior to the deadline date for Final Plat recording.

10. Street and development names shall not be the same nor closely approximate, phonetically or in spelling, to the name of any other street in Elkton or the Singerly Fire Company's jurisdiction.

11. For subdivisions in the Critical Area, accurate outlines (metes and bounds, where required) of the following:

- a. Any common or reserved areas or portions of lots to be maintained by covenant, easement or similar approved instrument, in permanent forest cover, including existing forest areas, reforested areas and afforested areas.
- b. Any areas to be maintained as resource protection use (e.g., agriculture, natural parks, forest, etc.).
- c. Any areas to be maintained as permanent wildlife and plant habitat protection areas.

In addition to the information above, the Preliminary Plan shall be accompanied by the following when the subdivision or development is proposed in the Critical Area, as required:

- a. A Planting Plan reviewed by and addressing the comments of the Maryland Forest Service;
- b. A Habitat Protection Plan, including the comments of the Maryland Fish, Heritage and Wildlife Administration, the Water Resources Administration and other agencies, as appropriate;
- c. Stormwater Management Plan;
- d. Sediment and Erosion Control Plan;
- e. Shore Erosion Protection Plan;
- f. Natural Park Management Plan;

- g. An Environmental Impact Assessment which provides a coherent statement of how the proposed development addresses the goals and objectives of the Elkton Chesapeake Bay Critical Area Program. At a minimum, the Environmental Impact Assessment shall include:
 - (1) A statement of existing conditions, (amount and type of forest cover, wetlands, existing agricultural activities, soil types, topography, etc.);
 - (2) Description of the proposed development project, including number and type of residential units, amount of impervious surface, proposed sewer treatment and water supply, acreage devoted to development, proposed open space and habitat protection areas;
 - (3) A description of the proposed development's impacts on water quality and Habitat Protection Areas; and
 - (4) Documentation of all correspondence and findings.
- h. Total area of the subdivision to be recorded and where density restrictions apply, the acreage dedicated to development.
- i. Total area of subdivision or parcels to be recorded in the Critical Area.
- j. Total number of lots in the Critical Area.
- k. Residential density in the Critical Area.
- l. Any other information as may be required by the Planning Commission to assure compliance with the Critical Area Regulations.

Section 9. Establishment of Restrictive Covenants

The Town is not responsible for the enforcement of individual covenants such as common maintenance and common access agreements. Such covenants shall be recorded in Cecil County Land Records and shall not violate local, state, and federal laws.

Section 10. Establishment of Easements

A plat shall show the location of all existing and proposed recorded easements (including right-of-ways) which affect the property and a citation of any recorded easements, restrictions, reservations or covenants which affect the property.

Section 11. Original Tract

- 1. The Planning Commission shall require that the remaining original tract be shown as stated in the appropriate section below:
 - a. If less than five (5) acres of land remain in the original tract after the lots are excluded, then all of the tract (lots and remainder) must be platted.

- b. If more than five (5) acres of land remain in the original tract after the lots are excluded then the owner is not required to plat the remaining acreage.
2. The owner is required to provide a sketch of the tax map showing the entire acreage and the location of lots being platted and any previous platted lots.

Section 12. Reserved

Section 13. Reserved