

300.1 It shall be unlawful for the owner of any land within the Town to make or authorize or permit the subdivision of any lot, or the construction, opening or dedication of any street, sewer, or other facilities in connection with a subdivision, unless and until a plat thereof shall have been approved and recorded in accordance with this Ordinance.

300.2 No plat of a subdivision of land within the Town shall be filed or recorded until it shall have been approved by the Planning Commission in accordance with this Ordinance.

301 PENALTIES AND SANCTIONS

301.1 As provided in Section 7.01 of Article 66B of the Annotated Code of Maryland, 1970 Edition, a violation of this Ordinance is declared to be a misdemeanor.

301.2 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 by the Planning Commission and recorded or filed in the office of the Clerk of the Circuit Court of Washington County, Maryland, shall forfeit and pay a penalty of one hundred (\$100.00) dollars 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.

301.3 The Mayor and Town Council 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.

ARTICLE 4

ADMINISTRATION AND APPEAL

400 PLANNING COMMISSION'S AUTHORITY

400.1 As provided by Maryland law, the authority to approve subdivision plats pursuant to the regulations in this Ordinance is

vested in the Town Planning Commission.

400.2 Where the Planning Commission finds that extraordinary hardships may result from strict compliance with provisions of this Ordinance, the Planning Commission may modify the application of said regulations so that substantial justice may be done and the public interest secured; provided, however, that such modification shall not have the effect of nullifying the intent and purpose of this Ordinance; and further provided that, in granting said modifications, the Planning Commission may impose such requirements or conditions as will, in its judgment, secure substantially the objectives of the provisions in the Ordinance so modified.

401 DEVELOPMENT ADMINISTRATOR

401.1 The Planning Commission shall designate a person to serve as Development Administrator for the purpose of receiving and processing applications and plats and performing other duties as specified hereinafter. Such person shall be a member of the Planning Commission except that the Commission may with the approval of the Mayor and Council, designate a person not a member of the Planning Commission to serve as the Development Administrator.

401.2 The remuneration, if any, paid to the Development Administrator for performing the duties specified hereinafter shall be in such amount as may be mutually agreeable to the Planning Commission and the Mayor and Council.

402 FEES

Fees to cover the administrative costs of reviewing and approving plats shall be paid by the applicant in accordance with the schedule of charges adopted by the Mayor and Council. Said fees shall be collected by the Development Administrator on behalf of the Town and shall promptly be deposited with the General Fund of the Town.

403 APPEALS

As provided by Maryland law, any person or persons, jointly or severally, aggrieved by any decision of the Planning Commission pursuant to this Ordinance may appeal said decision to the Circuit Court of Washington County.

ARTICLE 5

PROCEDURAL REGULATIONS

500 TENTATIVE SKETCH PLAN

500.1 Purpose

The purpose of the "Tentative Sketch Plan" is to give the applicant the opportunity to consult early and informally with the Planning Commission before preparation of the preliminary plat and formal application for approval. The tentative sketch plan procedure is optional to the applicant and is not a prerequisite to the approval of the final plan. This optional procedure, however, is strongly recommended because it gives the applicant an opportunity to resolve problems early in the proceedings and to make necessary modifications and revisions before incurring the expense of preparing the preliminary and final plats.

500.2 Review Procedures

500.21 The applicant should submit three (3) copies of the tentative sketch plan, which should show at least the information specified in Section 601.

500.22 The Development Administrator shall receive the copies of the tentative sketch plan and shall promptly check said plan to advise the applicant concerning any additional information that might be helpful to the Planning Commission for reviewing the sketch plan.

500.23 The Development Administrator shall promptly transmit a copy of the sketch plan to the Planning Commission and a copy to the Mayor and Council; the third copy shall be retained in the Administrator's files.

500.24 At the first regular meeting within more than seven (7) days following receipt of the complete submission by the Development Administrator, the Planning Commission shall review the sketch plan. The applicant is encouraged to attend such meetings to discuss the sketch plan with the Commission.

500.25 Within 30 days from said meeting, the Development Administrator shall inform the applicant in writing regarding the Planning Commission's review and evaluation of the sketch plan and regarding any recommendation of the sketch plan and regarding any recommendations by the Commission for changes to make the proposed subdivision compatible with this or other Town Ordinances or regulations or with the Town's adopted Comprehensive Development Plan.

501 MINOR SUBDIVISION PLAT

501.1 Purpose

To avoid undue delay and difficulty to the subdivider in the case

of minor subdivisions, as defined in Section 232, the Planning Commission may accept an accurate sketch plan of such proposed subdivision in lieu of the preliminary plat otherwise required, provided that such sketch plan shows or is accompanied by the information specified in Section 602.

501.2 Review Procedure

The review of a sketch plan accepted in lieu of a preliminary plat shall proceed in the manner specified in Section 502 for reviewing preliminary plats.

502 PRELIMINARY PLAT

502.1 Purpose

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

502.12 A 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.

502.2 Review Procedure

502.21 The applicant shall submit four (4) copies of the preliminary plat and application; provided, however, that the Development Administrator may require the applicant to submit additional copies for review by appropriate State, County and Town agencies.

502.22 The Development Administrator shall receive the copies of the plat and shall promptly check said plat to advise the applicant concerning any additional information that might be necessary for compliance with this Ordinance; if the submission is complete, the Administrator shall accept the plat and collect the specified filing fee, and shall so note on the application form.

502.23 The Development Administrator shall promptly transmit one copy of accepted, complete plat and application to the Planning Commission, one copy to the Mayor and Council, and one copy to the Washington County Planning and Zoning Commission; one copy shall be retained in the Administrator's files, and a copy may be transmitted to one or more of the agencies listed in Table 1, as appropriate.

502.24 At the first regular meeting within more than seven days following receipt of the complete submission by the

Development Administrator, the Planning Commission shall review the plat and application, and shall receive and consider the comments of the applicant and of any other part of interest.

502.25 At said meeting, or within 35 days thereafter, the Commission shall determine whether the preliminary plat meets the requirements of this and other applicable Town Ordinances and regulations; shall review and evaluate the comments regarding the plat made by the applicant, by the Mayor and Council, by the County Planning and Zoning Commission, by the County Health Department, or by other parties of interest; and shall inform the applicant, in writing, of the Planning Commission's decision to approve or disapprove the preliminary plat or to approve the plat conditionally subject to such changes or modifications as may be specified in writing by the Planning Commission.

502.3 Approval of the preliminary plat shall constitute conditional approval of the subdivision as to character and intensity, but shall not constitute approval of the final plat or authorize sale of lots or construction of buildings.

503 FINAL PLAT

503.1 Purpose

503.11 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 Section 300 of these Regulations.

503.12 A final plat shall be submitted conforming to the changes specified during the preliminary plat review. 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. Preliminary and final plat procedures may, at the option of the Planning Commission, be executed simultaneously in the case of minor subdivision plats that comply fully with the requirements for final plats as specified in Section 602.

503.2 Review Procedures

503.21 The applicant shall submit four (4) copies of the final plat and application; provided, however, that the

Development Administrator may require the applicant to submit additional copies for review by one or more of the agencies listed in Appendix I.

503.22 The Development Administrator shall receive the copies of the plat and shall promptly check said plat to advise the applicant concerning any additional information that might be necessary for compliance with this Ordinance; if the submission is complete, the Administrator shall accept the plat and collect the specified filing fee, and shall so note on the application form.

503.23 The Development Administrator shall promptly transmit one copy of accepted, complete plat and application to the Planning Commission, one copy to the Mayor and Council, and one copy to the Washington County Planning and Zoning Commission; one copy shall be retained in the Administrator's files, and a copy may be transmitted to one or more of the agencies listed in Table 1, as appropriate.

503.24 At the first regular meeting within more than seven days following receipt of the complete submission by the Development Administrator, the Planning Commission shall review the plat and application, and shall receive and consider the comments of the applicant and of any other party of interest.

503.25 At said meeting, or within thirty-five (35) days thereafter, the Commission shall determine whether the final plat meets the requirements of this and other applicable Town Ordinances and regulations; shall review and evaluate the comments regarding the plat made by the applicant, by the Mayor and Council, by the County Planning and Zoning Commission, by the County Health Department, or by other parties of interest; and shall inform the applicant, in writing, of the Planning Commission's decision to approve or disapprove the final plat or to approve the plat conditionally subject to such changes or modifications as may be specified in writing by the Planning Commission.

503.26 If the final plat is approved, the approval shall be by resolution formally adopted by the Planning Commission, except such approval shall not be granted until the subdivider shall have executed the improvements guarantees as may be required pursuant to Article 9.

503.27 The applicant shall then prepare and submit to the Planning Commission two (2) exact copies of the approved final plat on linen, mylar or other stable reproducible material, with the required signatures as specified in Article 6. One copy shall be retained in the Planning Commission's files, and one copy shall be signed by the Chairman or the Secretary of the Planning Commission and shall promptly be returned to the applicant for recording.

503.28 Unless the signed copy of the approved final plat is recorded by the applicant in the office of the Clerk of the Circuit Court of Washington County within 120 days of the date of approval by the Planning Commission, said approval shall lapse and become null and void.

503.3 Effect of Recording

503.31 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 subdivider may note on the plat that such improvements have not been offered for dedication to the Town.

503.32 Recording of the final plat 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 improvement so noted for dedication may be accepted by the public through any subsequent appropriate act.

504 ACCEPTANCE OF STREETS AND IMPROVEMENTS

504.1 Preliminary Inspection

504.11 The applicant shall notify the Town Engineer of the completion of the required improvements.

504.12 The Town Engineer shall:

504.121 inspect the completed required improvements ;
and

504.122 submit in writing a report to the Town Council, with a copy to the applicant, specifying those items of construction, material and workmanship, if any which do not comply with the Town specifications or the approved final plat.

504.13 The applicant upon notification from the Town Engineer shall:

504.131 proceed, at his own cost, to make such corrections as shall be required to comply with the Town specifications and approved final plats; and

504.132 notify the Town Engineer and Town Council upon completion, requesting final inspection.

504.2 Final Inspection

The Town Council and Town Engineer shall make a final inspection

with the applicant of all required improvements.

504.3 Acceptance

The Town Council 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.

ARTICLE 6

PLAT PREPARATION REGULATIONS

600 TENTATIVE SKETCH PLAN

Where the applicant chooses to present a tentative sketch plan before submitting a preliminary plat, the sketch plan should be an accurate sketch of the proposed subdivision and should contain or be accompanied by the information listed below;

600.1 Names and addresses of the applicant, the landowner if different from the applicant, and the applicant's engineer or surveyor;

600.2 Boundaries of the property, accurately labeled from deed description or survey;

600.3 Streets or other rights-of-way on or abutting the property;

600.4 Significant topographic, hydrographic or other physical features, if any, within the property;

604.5 Contour lines;

600.6 North point, date, and written and graphic scales.

601 PRELIMINARY PLAT

The preliminary plat shall comply with the standards and shall show or be accompanied by the information specified below:

601.1 Drafting Standards

601.11 The plat shall be drawn at a scale of 1' = 50' or 1' = 100'.

601.12 Dimensions, if known, shall be in feet and decimal parts thereof, and bearings in degrees, minutes, and seconds: otherwise, approximate dimensions of proposed features shown be shown.

601.13 Each sheet shall be numbered and shall show its