

COUNTY COUNCIL OF CECIL COUNTY, MARYLAND

LEGISLATIVE SESSION DAY 2017-21

BILL NO. 2017-21

Title of Bill: Amendment - Subdivision Regulations - Land Use and Development Services

Synopsis: A Bill to amend the Subdivision Regulations to reflect the changes in plan of organization that the Department of Planning and Zoning will be known as the Department of Land Use and Development Services; and to reflect the new divisions of Planning and Zoning, Permits and Inspections and Plan Review.

Introduced by: Council President on behalf of County Executive

Introduced, read first time and ordered posted on: November 7, 2017

Public hearing scheduled: December 5, 2017 at: 7:00 p.m.

Scheduled for Consideration: December 19, 2017

By: _____

Council Manager

Public Hearing

Notice of time and place of public hearing and title of Bill have been posted by ____ at the County Administration Building, 200 Chesapeake Blvd., Elkton and having been published according to the Charter on _____, a public hearing was held on _____, and concluded on _____.

By _____

Council Manager

Explanation: CAPITALS INDICATE MATTER ADDED TO EXISTING BILL.
{Brackets} indicate matter deleted from existing law.
Underlining indicates language added to Bill by amendment.
~~Strike through~~ indicates language stricken out of Bill by amendment.

Amendment - Subdivision Regulations - Land Use and Development Services

1 **WHEREAS**, pursuant to Section 402 of the Cecil County Charter (the “Charter”), the County
2 Executive (the “Executive”) shall see that the affairs of the executive branch are administered properly and
3 efficiently, and that employees of the executive branch faithfully perform their duties; and

4 **WHEREAS**, pursuant to Section 402 of the Charter, the duties and responsibilities of the Executive
5 include, but are not limited to: (a) Supervising and directing offices, agencies and divisions of the executive
6 branch and ensuring that County employees as well as County boards and commissions faithfully perform
7 their duties; and, (b) preparing and submitting to the Council the annual County Budget; and

8 **WHEREAS**, the Land Use Article (formerly, Article 66B) of the Annotated Code of Maryland
9 empowers Cecil County to adopt a Zoning Ordinance, Zoning Maps, and Subdivision regulations; and

10 **WHEREAS**, the Land Use Article (formerly, Article 66B) of the Annotated Code of Maryland
11 establishes requirements relative to the adoption of said regulations and maps; and

12 **WHEREAS**, public hearings were held on 2, 9, and 16 February 2011 by the Cecil County Planning
13 Commission in regard to said regulations and maps; and

14 **WHEREAS**, the Planning Commission recommended adoption of said regulations and maps to the
15 Board of County Commissioners (now the County Council); and

16 **WHEREAS**, public hearings were held by the Board of County Commissioners on 2, 9, and 16 March
17 2011 and 5 April 2011 in regard to said regulations and maps; and

18 **WHEREAS**, said regulations and maps were adopted by the Board of County Commissioners on 19
19 April 2011; and

20 **WHEREAS**, all requirements of the Land Use Article (formerly, Article 66B) of the Annotated Code of
21 Maryland have been met in regard to the adoption of the Zoning Ordinance, Zoning Maps, and Subdivision
22 Regulations; and

23 **WHEREAS**, the Director of the Cecil County Department of Land Use and Development Services,
24 together with the Cecil County Planning Commission, has recommended that the Subdivision Regulations
25 be amended, as more fully set forth herein; and

26 **WHEREAS**, the County Executive has submitted the amendments set forth herein to the County
27 Council for consideration and approval.

28 **NOW, THEREFORE, BE IT HEREBY ENACTED** by the County Council of Cecil County, that the
29 proposed amendments to the Subdivisions Regulations are hereby adopted as follows:

30 Article II – General Provisions

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31 Section 2.1 General Requirements for Subdivisions

32 Subsection 2.1.2

33 Any owner or proprietor of any tract of land located in the territory to which these regulations apply, who
34 subdivides the same for the creation of a minor or major subdivision to be made in accordance with the
35 regulations set forth herein and in **THE LAND USE** Article ~~(25A)~~ of the Annotated Code of Maryland, and
36 after securing the approval by the ~~Planning Commission or the~~ Director of **LAND USE AND DEVELOPMENT**
37 **SERVICES** ~~Planning & Zoning~~, shall cause a copy of such plat to be recorded in the office of the Clerk of the
38 Circuit Court for Cecil County.

39 Subsection 2.1.4

40 Such submission shall be reviewed by **THE DIVISION OF** Planning & Zoning and if in accordance with the
41 above and applicable zoning ordinance requirements, shall be approved by the Director of **LAND USE AND**
42 **DEVELOPMENT SERVICES** ~~Planning & Zoning~~ or his designee.

43 Section 2.3 Addition and Subtraction of Lots

44 Subsection 2.3.1(5)

45 A signature block for the ~~Planning Director's~~ **DIRECTOR OF LAND USE AND DEVELOPMENT SERVICES'**
46 signature.

47 Subsection 2.3.1(6)

48 Signature blocks for the Health Department signature authority and the ~~Public Works Director or Senior~~
49 ~~Engineer~~ **CHIEF, DEVELOPMENT PLANS REVIEW DIVISION.**

50 Subsection 2.3.3

51 The ~~Planning Director~~ **DIRECTOR OF LAND USE AND DEVELOPMENT SERVICES** is empowered to approve
52 land transfers described in this section and such approval shall be noted on the survey plat.

53 Section 2.4 Minor Subdivisions

54 Subsection 2.4.1

55 The ~~Planning Director~~ **DIRECTOR OF LAND USE AND DEVELOPMENT SERVICES** has the authority to
56 approve minor subdivisions of land, and/or minor adjustments in lot lines without the necessity of the
57 subdivision complying with preliminary plat procedures or going before the Planning Commission.

58 Subsection 2.4.2

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59 A property owner shall apply to ~~Planning & Zoning~~ **LAND USE AND DEVELOPMENT SERVICES** for approval
60 of up to five (5) lots by submitting a combined preliminary/final plat provided the proposed minor
61 subdivision does not involve a new street.

62 Subsection 2.4.4

63 The ~~Office of Planning & Zoning~~ **DEPARTMENT OF LAND USE AND DEVELOPMENT SERVICES** shall require
64 that the remaining original tract be shown as stated in the appropriate section below.

65 Section 2.5 Building Permits

66 No building permit shall be approved by the ~~Office~~ **DIVISION** of Permits and Inspections on any subdivision
67 or development until or unless the requirements of these regulations have been met as verified by the
68 ~~Office~~ **DIVISION** of Planning & Zoning.

69 Section 2.6 Subdivision Name

70 The subdivision name approved by the ~~Office of Planning & Zoning~~ **DEPARTMENT OF LAND USE AND**
71 **DEVELOPMENT SERVICES** and recorded in the office of the Clerk of the Court for Cecil County shall
72 constitute the subdivision's official name.

73 Article III – Administration

74 Section 3. Administrative Responsibilities

75 At the direction of the Planning Commission, it shall be the responsibility of the ~~Office of Planning & Zoning~~
76 **DEPARTMENT OF LAND USE AND DEVELOPMENT SERVICES** to administer and enforce these regulations
77 and to establish the procedures for the proper implementation consistent with these regulations.

78 Section 3.1 Referral

79 The ~~Office of Planning & Zoning~~ **DEPARTMENT OF LAND USE AND DEVELOPMENT SERVICES** may refer the
80 subdivision and development plans to any County agency or any other agency (State or Federal) which it
81 deems appropriate for their comments and/or recommendations.

82 Section 3.3 Appeal

83 Any person aggrieved by the action of the Director of ~~Planning and Zoning~~ **LAND USE AND DEVELOPMENT**
84 **SERVICES** in the extension of a concept or preliminary plat **OR THE APPROVAL OF A FINAL PLAT** may appeal
85 to the Planning Commission.

86 Section 3.5 Modifications

87 Where the Planning Commission **OR THE DIRECTOR OF LAND USE AND DEVELOPMENT SERVICES** finds that
88 because of unusual circumstances of shape and topography or other physical features or conditions of the

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89 proposed subdivision or because of the nature of adjacent developments, extraordinary hardship may
90 result from strict compliance with these regulations, there may be granted a modification of regulations
91 when requested by the subdivider or developer.

92 Section 3.8 Filing Schedule

93 The ~~Office of Planning & Zoning~~ } **DEPARTMENT OF LAND USE AND DEVELOPMENT SERVICES** shall prepare
94 a filing schedule for applications to the Technical Advisory Committee and the Planning Commission. The
95 filing schedule shall be made available at the ~~Office of Planning & Zoning~~ } **DEPARTMENT OF LAND USE AND**
96 **DEVELOPMENT SERVICES** and shall contain the following information:

97 Each sign shall be provided by the developer and fabricated to the specifications provided by the ~~Office of~~
98 ~~Planning & Zoning~~ } **DEPARTMENT OF LAND USE AND DEVELOPMENT SERVICES.**

99 Article IV – Major Subdivision Plat Provisions

100 Section 4.2 Final Plat

101 The final plat is intended to become the official record of the division of land within a development and no
102 lot therein may be legally sold, and the owner or agent of the owner shall not transfer or sell or agree to
103 sell or negotiate to sell any lot by reference or to advertise any lot(s) until a Final Plat has been approved by
104 the ~~Office of Planning & Zoning~~ } **DIRECTOR OF LAND USE AND DEVELOPMENT SERVICES** and recorded by
105 the developer.

106 Subsection 4.2.1

107 Final Plats shall be submitted in accordance with the requirements set forth in these regulations, and as
108 stipulated in Appendices A and B herein, and shall be submitted to the ~~Office of Planning & Zoning~~ }
109 **DEPARTMENT OF LAND USE AND DEVELOPMENT SERVICES.**

110 Subsection 4.2.2

111 Final Plat submittal shall be made to the ~~Office of Planning & Zoning~~ } **DEPARTMENT OF LAND USE AND**
112 **DEVELOPMENT SERVICES.** Submittal shall be accompanied by the appropriate number of copies of the
113 Final Plat as stipulated in Appendix B, fees as established in Appendix A, and required public improvement
114 plans and shall be certified by the ~~Office of Planning & Zoning~~ } **DEPARTMENT OF LAND USE AND**
115 **DEVELOPMENT SERVICES** as to the date of receipt.

116 Subsection 4.2.3

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117 Final plats must be brought before the ~~Planning Commission at their regular meeting~~ } **DIRECTOR OF LAND**
118 **USE AND DEVELOPMENT SERVICES FOR APPROVAL** before they can be signed and recorded as directed by
119 this document.

120 Subsection 4.2.4

121 The ~~Planning Director~~ } **DIRECTOR OF LAND USE AND DEVELOPMENT SERVICES** shall be empowered to sign
122 the Final Plat after approval ~~by the Planning Commission~~ and when satisfactory review indicates that said
123 plat meets all requirements of the Ordinance and all conditions for approval of said plat have been met.

124 Subsection 4.2.5

125 The Final Plat shall receive approval or disapproval ~~at the next regularly scheduled monthly Planning~~
126 ~~Commission meeting~~ } **FROM THE DIRECTOR OF LAND USE AND DEVELOPMENT SERVICES** after submission,
127 in accordance with §4.2.1. If approval is not given, then the reason(s) therefore shall be given to the
128 developer in writing by the ~~Office of Planning & Zoning~~ } **DIRECTOR OF LAND USE AND DEVELOPMENT**
129 **SERVICES.**

130 Subsection 4.2.6

131 The ~~Public Works Director or Senior Engineer of Cecil County~~ } **CHIEF, DEVELOPMENT PLANS REVIEW**
132 **DIVISION OF THE DEPARTMENT OF LAND USE AND DEVELOPMENT SERVICES** will certify receipt and
133 approval of public improvement plans, public works agreements, execution of subdivision agreements, the
134 stormwater management final plan, and necessary financial arrangements by affixing his signature to the
135 final plat prior to the signing by the ~~Planning Director~~ } **DIRECTOR OF LAND USE AND DEVELOPMENT**
136 **SERVICES.**

137 Subsection 4.2.8

138 Upon approval, the developer, or his representative, shall submit to the ~~Office of Planning & Zoning~~
139 **DEPARTMENT OF LAND USE AND DEVELOPMENT SERVICES** the original final plat and public improvement
140 plans for signature by the various County agencies.

141 Subsection 4.2.9

142 The subdivider or developer shall record the plat in the Land Records of Cecil County only upon the
143 signatures of the ~~Public Works Director or Senior Engineers of Cecil County~~ } **CHIEF OF DEVELOPMENT**
144 **PLANS REVIEW DIVISION OF THE DEPARTMENT OF LAND USE AND DEVELOPMENT SERVICES**, the "Health
145 Department approving authority, and the ~~Planning Director~~ } **DIRECTOR OF LAND USE AND DEVELOPMENT**
146 **SERVICES.**

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147 Subsection 4.2.10

148 The subdivider will furnish copies of the recorded plat to all applicable County and State agencies, as
149 directed by the ~~Office of Planning and Zoning~~ **DEPARTMENT OF LAND USE AND DEVELOPMENT SERVICES.**

150 Subsection 4.2.13

151 The final plat submitted for recordation shall be clearly and legibly drawn in black waterproof ink on a
152 reproducible mylar approved by the Cecil County ~~Office of Planning and Zoning~~ **DEPARTMENT OF LAND**
153 **USE AND DEVELOPMENT SERVICES.**

154 Subsection 4.2.13(a)1

155 The name approved by the Planning Commission or the ~~Office of Planning and Zoning~~ **DEPARTMENT OF**
156 **LAND USE AND DEVELOPMENT SERVICES** and recorded in the Land Records shall constitute the
157 subdivision's official and only name.

158 Subsection 4.2.13(b)

159 Approval blocks in the form required by these regulations shall be provided in the lower left hand corner of
160 the plat for signature by the ~~Planning Director, the Public Works Director or senior Engineer~~ **DIRECTOR OF**
161 **LAND USE AND DEVELOPMENT SERVICES, THE CHIEF OF THE DEVELOPMENT PLAN REVIEW DIVISION OF**
162 **THE DEPARTMENT OF LAND USE AND DEVELOPMENT SERVICES,** and the Health Department approving
163 authority.

164 Subsection 4.2.13(p)

165 Such wording as specified by these regulations and the ~~Office of Planning and Zoning~~ **DEPARTMENT OF**
166 **LAND USE AND DEVELOPMENT SERVICES** shall be utilized.

167 Subsection 4.2.13(s)

168 Such wording as specified by these regulations and the ~~Office of Planning and Zoning~~ **DEPARTMENT OF**
169 **LAND USE AND DEVELOPMENT SERVICES** shall be utilized.

170 Subsection 4.2.13(t)

171 Such wording as specified by these regulations and the ~~Office of Planning and Zoning~~ **DEPARTMENT OF**
172 **LAND USE AND DEVELOPMENT SERVICES** shall be utilized.

173 Subsection 4.2.15 Public Works Agreement

174 Public Works Agreements or subdivision agreements must be recorded prior to the ~~Department of Public~~
175 ~~Works~~ **CHIEF OF THE DEVELOPMENT PLANS REVIEW DIVISION OF THE LAND USE AND DEVELOPMENT**
176 **SERVICES DEPARTMENT** signing the record plat. Inspection and maintenance agreements must be

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177 recorded prior the ~~Department of Public Works~~ **CHIEF OF DEVELOPMENT PLANS REVIEW DIVISION OF**
178 **THE DEPARTMENT OF LAND USE AND DEVELOPMENT SERVICES** signing the record plat.

179 Subsection 4.2.17 Landscape Agreement

180 Any guarantee shall be executed prior to the ~~Director of Planning and Zoning~~ **DIRECTOR OF LAND USE**
181 **AND DEVELOPMENT SERVICES** signing of the record plats.

182 Article V – Required Improvements

183 Section 5.3 Storm Water Management

184 Subsection 5.3.1

185 No final plat of subdivision shall be approved unless a plan for stormwater management is submitted by the
186 developer and approved by the ~~Cecil County Department of Public Works~~ **DEVELOPMENT PLANS REVIEW**
187 **DIVISION OF THE DEPARTMENT OF LAND USE AND DEVELOPMENT SERVICES.**

188 Subsection 5.3.2

189 Subdivisions may be exempted from this provision if, in the opinion of the ~~Cecil County Department of~~
190 ~~Public Works~~ **DEVELOPMENT PLANS REVIEW DIVISION OF THE DEPARTMENT OF LAND USE AND**
191 **DEVELOPMENT SERVICES**, such plans are not required by virtue that little or no storm water problems will
192 be created on-site by the subdivision.

193 Section 5.6 Final Grading Plan

194 The ~~Department of Public Works~~ **DEVELOPMENT PLANS REVIEW DIVISION OF THE DEPARTMENT OF**
195 **LAND USE AND DEVELOPMENT SERVICES** will require a final site grading plan on all subdivisions containing
196 internal streets and may require a final site grading plan for other subdivisions. This plan shall be
197 submitted after the road plans have been approved by the ~~Department of Public Works~~ **DEVELOPMENT**
198 **PLANS REVIEW DIVISION OF THE DEPARTMENT OF LAND USE AND DEVELOPMENT SERVICES** and before
199 the final plats are approved.

200 Article VI – Other Divisions of Property

201 Section 6.1 Residential Cluster Development

202 Subsection 6.1.1 Concept Plan

203 A concept plat shall be submitted for Technical Advisory Committee and subsequent Planning Commission
204 review to the ~~Office of Planning and Zoning~~ **DEPARTMENT OF LAND USE AND DEVELOPMENT SERVICES**
205 and in addition to any requirements set forth in Section 4.0.13, it shall show:

206 Subsection 6.1.4(b)

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207 The development of land within the cluster is permitted only in accordance with the approved site
208 development plan on file at the ~~Office of Planning and Zoning~~ **DEPARTMENT OF LAND USE AND**
209 **DEVELOPMENT SERVICES.**

210 Subsection 6.6.1 Concept Plan

211 For manufactured home park developments, a concept plat shall be submitted to the ~~Office of Planning and~~
212 ~~Zoning~~ **DEPARTMENT OF LAND USE AND DEVELOPMENT SERVICES** in accordance with Section 4.0.

213 Subsection 6.6.2 Preliminary Plan

214 For manufactured home park developments, a preliminary plat shall be submitted to the ~~Office of Planning~~
215 ~~and Zoning~~ **DEPARTMENT OF LAND USE AND DEVELOPMENT SERVICES** in accordance with Section 4.1.

216 Article VII – Design Standards and Requirements

217 Section 7.0 General Design Standards and Requirements

218 Subsection 7.0.2

219 The ~~Office of Planning and Zoning~~ **DEPARTMENT OF LAND USE AND DEVELOPMENT SERVICES** and the
220 Planning Commission, in considering an application for the subdivision of land, shall be governed by the
221 consideration and standards contained herein.

222 Section 7.2 Highways, Streets and Roads

223 Subsection 7.2.12A.3

224 Where a proposed street involves State jurisdiction and is designated on the State Highway Plan and no
225 definite alignment has been established, the ~~Planning Commission~~ **DIRECTOR OF LAND USE AND**
226 **DEVELOPMENT SERVICES** may withhold approval of a subdivision plat for not more than one hundred
227 eighty (180) days from the application date to permit the State Highway Administration, if they so desire, to
228 establish an accurate road alignment.

229 Subsection 7.2.12B.6

230 Street names shall be approved by the Department of Emergency Services and subdivision names shall be
231 approved by the ~~Office of Planning and Zoning~~ **DEPARTMENT OF LAND USE AND DEVELOPMENT**
232 **SERVICES.**

233 Section 7.4 Lot Sizes

234 Subsection 7.4.3

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235 Side lot lines shall be at right angles or radial to street lines, unless a variation from this rule will lead to a
236 better subdivision design as determined by the ~~Office of Planning and Zoning~~ **DEPARTMENT OF LAND USE**
237 **AND DEVELOPMENT SERVICES** and/or Planning Commission.

238 Section 7.5 Constraints on Development

239 Subsection 7.5.3(c)

240 Any required final forest conservation plan and/or landscape plan shall be approved prior to the ~~Planning~~
241 ~~Commission's~~ **DIRECTOR OF LAND USE AND DEVELOPMENT SERVICES** review of the final plat.

242 **AND, BE IT FURTHER ENACTED BY THE COUNTY COUNCIL OF CECIL COUNTY, MARYLAND,**

243 that this Bill shall take effect 60 calendar days from the date it becomes law.

CERTIFICATION

I, HEREBY CERTIFY that the above Bill was posted for the public on the public bulletin board with the date, time and location of the public hearing meeting, copies were made available for the public, a copy was distributed to the press, and copy was made available on the Cecil County website.

BY: Council Manager