

ARTICLE II

APPLICATION PROCEDURE AND APPROVAL PROCESS

Section 1. General Procedure

Whenever any subdivision of land is proposed, before any contract is made for the sale of any lot thereof, and before any permit for erection of a structure in such proposed subdivision shall be granted, the subdividing owner, or his authorized agent, shall apply for and secure approval of such proposed subdivision in accordance with the following procedure which includes three steps.

1. Preliminary Conference
2. Preliminary Subdivision Plan Approval
3. Final Subdivision Plat Approval

Section 2. Preliminary Conference

1. Before preparing the preliminary plan for a subdivision, the applicant shall meet with the staff of the Planning Commission to discuss the procedure for processing a subdivision plan, the requirements regarding the general layout of streets and for reservations of land, street improvements, drainage, sewerage, fire protection, and similar matters, as well as the availability of existing utility services. The commission's staff shall also advise the applicant, where appropriate, to discuss the proposed subdivision with those officials who must eventually approve these aspects of the subdivision plan coming within their jurisdiction.
2. The purpose of these consultations is to assist the subdivider by furnishing information and advice, in order to expedite matters for the subdivider, save him unnecessary expense, and promote the best coordination between the plans of the subdivider and those of the town and other public agencies.
3. The commission's staff may require a sketch of the property in question showing the proposed scheme for development of the property and other significant information.

Section 3. Preliminary Subdivision Plan

1. After the preliminary conference with the staff, the subdivider shall prepare a preliminary plan of the proposed subdivision conforming with the requirements for the preparation of such plan as set forth in Article IV. At least 15 calendar days prior to the meeting of the commission at which action on such plan is desired, the following items shall be filed with the staff: application form with all questions answered. (Write N/A when not applicable); one reproducible subdivision plan (Returnable - Do not submit originals); appropriate filing fee in accordance with adopted fee schedule; any additional information the administrator and/or applicant deem pertinent to this application.

The submission should also include copies of supporting information such as proposed deed restrictions, statements, etc. When an application is filed, it is checked quantitatively and reviewed by the Planning Office staff to be sure that it fully complies with minimum submission requirements.

2. The preliminary plan shall be checked by the staff to determine its conformity with the Comprehensive Plan of Magnolia, applicable zoning and other regulations, and the design principles and standards and requirements for plan submission as set forth in this ordinance.

Section 4. Preliminary Plan Approval

1. The preliminary plan shall be placed on the agenda of the next regularly scheduled business meeting of the commission. No meeting on this application shall be held by the commission until notice of the time and place thereof shall have been sent by certified mail to the subdivider and to such other interested parties as may be determined by the commission not less than five days before the date of said meeting. At the meeting, the commission shall receive a report from its staff together with comments and recommendations of the Development Advisory Committee. The commission shall either preliminarily approve, disapprove, or conditionally approve the plan subject to specific changes or modifications. One copy of the preliminary plan, with any comments, shall be returned to the subdivider, with other copies retained in the files of the commission.
2. Preliminary approval of a subdivision plan shall be valid for nor more than 12 months. Unless a final plat, in accordance with the approved preliminary plan including any required changes or modifications, and in accordance with all other applicable provisions, shall be filed with the commission's staff within 12 months from the date of action of the preliminary plan, the commission's action thereof shall be deemed cancelled; provided,

however, that the final plat may include only a portion of the area of the preliminary plan, and that final plats for remaining portions may be filed within a 24 month period without a new preliminary plan, but subject to any changes in the ordinance made after the initial 12 month period.

3. The commission may require that a preliminary plan be resubmitted for further action if it is determined that the preliminary plan does not meet the intent of the Comprehensive Plan or does not meet the intent and provisions of the Subdivision Ordinance.

Section 5. Construction and Improvement Plans

1. Following the commission's action on the preliminary plan, the subdivider shall file for approval of plans for those improvements which he is required to make under the provisions of this ordinance and the requirements of other public agencies.
2. The subdivider shall notify the commission's staff that approvals have been requested, that the improvement plans have been submitted and are in accordance with the applicable agencies' standards and that the agencies will approve such plans. Written evidence of such approvals shall be made available to the commission's staff prior to the recordation of the record plat.

Section 6. Final Subdivision Plat

1. Following approval of the preliminary plan by the commission and the submission of plans for improvements within the proposed subdivision to the appropriate state or county or other agencies, the subdivider shall submit a final plat for approval by the Magnolia Town Council.
2. Such final plat may be for all the property included in the preliminary plan, or it may be limited to any portion thereof which is intended to be developed as a unit. Additional final plats covering additional units of the property may be submitted later, provided that the preliminary plan is still valid. Every preliminary plat shall be substantially in accordance with the approved preliminary plan, including any changes or additions required by the commission as a condition for its approval, and it shall conform in every respect with the requirements for the preparation of such plat as set forth in Article IV.
3. The subdivider shall file the following items with the commission's staff: one (1) print and two (2) reproducible mylars of the final plat and appropriate recording fee.

Section 7. Final Plat Approval and Recording

Upon receipt by the staff of the final plat and evidence that other plans required by state, county or other agencies are approved, the commission's staff will place the final plat on the agenda of the Town Council for approval. Following the approval of the Town Council, the commission's staff will record the final plat in the Kent County Recorder of Deeds Office.

Section 8. As-Built Drawings

Upon completion of all required improvements, the subdivider shall provide the Magnolia Town Foreman with one copy of all construction and improvement plans indicating their actual "as-built" locations and other field notations.

Section 9. Fees

Fees to partially cover the cost of considering, examining, and checking the plans and plats required herein and for recording the record plat, shall be collected at the time of filing the plans in accordance with the following schedule of charges:

1. Preliminary Plan

- A. Residential Subdivisions - First 10 lots - \$25.00 minimum, plus \$2.00 per lot for each lot in excess of 10 lots.
- B. Commercial or Industrial Subdivisions: \$50.00 minimum and \$2.50 per acre for each acre or portion thereof in excess of 10 acres.

2. Final Plat

- A. For each individual copy (one sheet) of the final plat to be recorded; \$12.00 - to be paid at the time of record plat submission.