

MCPB 06/18/15

Item 9

Subdivision Regulations Rewrite

Worksession 1

Objectives

- Improve organization and ease of reference;
- Increase review and approval efficiency;
- Codify current interpretations; and
- Modernize language that has not been rewritten in over 50 years.



Timeline

- Started informally at the same time as the process to revise the zoning ordinance, and in earnest since May, 2014.
- First Draft for Technical Review released 11-19-14.
- First Public Draft Released 12-23-15.
- Presentation to the Planning Board 3-19-15 and release of Public Hearing Draft
- Planning Board Public Hearing 4-30-15

Worksession Objectives

- 1) Revisit major changes proposed in the Public Hearing draft.
- 2) Review new changes made in response to comments from the public hearing (highlighted in red).

Article I. In General

Division 50.1. Purpose

Division 50.2. Interpretation and Defined Terms

- Rules of Interpretation added
- Defined terms modified and expanded

Division 50.3. General Requirements

- Farm dwellings in the AR zone must be on 25 acre parcels to qualify exemption from platting.
- Construction of one detached dwelling on pre-1958 parts of lots.
- Public transfer exemption applies to parcels.
- Reconstruction under the new zoning ordinance permitted on any tract of land.

Division 50.3. General Requirements

- Advanced dedication or donation of master planned roads permitted without a plat.
- Farm dwelling exemption also requires availability of density and a TDR.
- Planning Board may defer action on a proposed subdivision plan application if all or part of the plan is located in the boundaries of a pending Master or Sector Plan Amendment without finding that the proposal conflicts with the pending Master or Sector Plan Amendments.

Article II. Subdivision Plans

Division 50.4. Preliminary Plans

- Application processing and hearing schedule that mimics the new zoning ordinance - 120 days with the ability to request Planning Director and Planning Board extensions.
- Agency approvals needed before the Planning Board may act on a Preliminary Plan.
- Planning Board findings to approve a Preliminary Plan.

Division 50-4. Preliminary Plans

Technical Review standards:

- Board may find that the recommendations of a Master or Sector Plan are “no longer appropriate” in review of a preliminary plan although the same finding is not permitted for a site plan.
- Deleted the requirements for a separate resubdivision analysis.

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Division 50-4. Preliminary Plans

Technical Review standards:

- Private roads are permitted, but they must be located in a private road right-of-way and built to the same standards as a public road of the same classification.
 - Board has ability to permit non-standard right-of-way width for environmental and compatibility reasons for all road classifications.

Division 50-4. Preliminary Plans

Technical Review standards:

- No APF exemption for religious institutions that generate peak hour vehicle trips that exceed the limits of the Subdivision Staging Policy traffic test.
- APF traffic test extension criteria for mixed use development based on number of vehicle trips generated.
- Board finding that a Master or Sector Plan recommendation is “no longer appropriate” can only be made if a site plan under 59-7.3.4 is not needed.

Division 50-4. Preliminary Plans

Technical Review standards:

- Provisions for major and minor amendments to preliminary plans; major requires Planning Board hearing and minor may be acted upon on the Board's consent agenda.
- Planning Director may approve a request to amend a validity period phasing schedule for a preliminary plan and for a determination of adequate public facilities if the overall validity period is not extended; only Planning Board may extend the overall validity periods.

Division 50-4. Preliminary Plans

Technical Review standards:

- Board may reinstate and extend an expired preliminary plan.
- Board may find substantial conformance with a Master or Sector Plan when density limits of the plan are exceeded to permit MPDUs and workforce housing units.
- Board may permit an applicant to provide an offsite location for a necessary public use if the applicant's preferred location is deemed unsuitable by the Board.

Division 50-4. Preliminary Plans

Technical Review standards:

- Private road rights-of-way may be created on a record plat as either a separate parcel, or in an easement through the platted lot.
- Board may extend the APF validity period of one lot in a multi-lot subdivision if the applicant provides sufficient evidence to determine the amount of the previously approved development attributed to the lot.

Article II. Subdivision Plans

Division 50-5. Pre-Preliminary Submission

Division 50.6. Administrative Subdivision Plans

- Planning Director approves the plan unless there is community opposition.

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Division 50.6. Administrative Subdivision Plans

- Creates lot(s) for:
 - an existing place of worship or other institutional use on an unrecorded parcel;
 - up to 5 residential dwellings in the AR zone;
 - up to 3 residential dwellings in the RE-2, R, RC and RNC zones; or one lot in any residential zone that is created from the entirety of an unrecorded parcel created prior to 10/8/85; and
 - consolidation of existing lots, or a lot and a part of a lot in non-residential zones

Division 50.7. Minor Subdivision

- Creating private institutional lots and lots in the AR zone are now Administrative Subdivision Plans.
- May not plat a parcel containing an existing dwelling per the zoning in effect when the dwelling was constructed; must apply the reconstruction provisions of 59-7.7.1.
- Administrative Subdivision Plan approval needed to consolidate non-residential lots.

Article III. Plats

Division 50.8. Plats-Generally

- Review of plats within 90 days of acceptance; action on the Planning Board consent agenda within 30 days from the receipt of the plat mylar.
- Added provisions for abandonment of land dedicated to the Commission and other public entities.

Article IV. Administration

Division 50.9. Waivers from this Chapter

- Board may waive any provision of the Chapter upon finding that due to practical difficulties or **unusual** circumstances of a plan, the application of a specific requirement is not needed to ensure public health, safety and welfare; and the intent of the requirement is still met.

Division 50.10. Administrative Procedures

- Board may require bonding and surety for all necessary improvements, including private streets.

Next Steps

- Modify the draft as needed based on discussion
- Approval and transmittal to the County Council by the end of July