

## **Subdivision Regulations Rewrite**

- Overview of new structure and summary of content
- Discussion of significant changes
- Board approval to release the hearing draft
- Set public hearing date

# What is Subdivision?

- Division or assemblage of a piece, or pieces of land for the purpose of sale or development.
- ★ Process by which proposed lot and road layouts are determined by the Planning Board prior to the submission of a record plat.

# Purpose of Subdivision

- Establishment of value/entitlements
- Change of use

## **Incentives to follow the process**

- Record plat as a precursor to sale of property

★ Building permit

# Subdivision Review Tools

- Chapter 59 – Zoning Ordinance
- Chapter 22A – Forest Conservation Law and Regulations
- Subdivision Staging Policy (APFO)
- Property deeds
- Master Plans
- Development Review Procedures Manual
- ★ Chapter 50 – Subdivision Regulations

# Subdivision Regulations Rewrite

- 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.

# 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.



# Improved Organization

## **Current Table of Contents**

**Article I. In General.**

**Article II. Plats.**

**Article III. Approval and Amendment of  
Subdivision Plans.**

## **Draft Table of Contents**

**Article I. In General.**

Division 50.1. Purpose

Division 50.2. Defined Terms

Division 50.3. General Requirements

**Article II. Subdivision Plans.**

Division 50.4. Preliminary Plan

Division 50.5. Pre-Preliminary Plan

Division 50.6. Simplified Preliminary Plan

Division 50.7. Minor Subdivisions

**Article III. Plats.**

Division 50.8. Plats-Generally

**Article IV. Administration.**

Division 50.9. Waivers from this Chapter

Division 50.10. Administrative Procedures

# Article I. In General

- Division 50.1. Purpose
- Division 50.2. Defined Terms
- Division 50.3. General Requirements
  - Limit exception to platting for farm dwellings to parcels that are at least 25 acres in size
  - Expanded pre-'58 exception to parts of lots
  - Added exception for reconstruction of detached dwellings



# Article II. Subdivision Plans

- Division 50.4. Preliminary Plan
  - 120-day review clock for preliminary plans; agency recommendations required 45 days before hearing date
  - Agency approvals needed
  - Planning Board findings for approval of a preliminary plan
  - Technical review

# Technical Review: Relation to Master Plan

- Finding that events have occurred to render the relevant master plan recommendation “no longer appropriate”

# Technical Review: Resubdivision

## Current Language

- Applies in any residential zone;
- Applies to townhouse lots
- Criteria:
  - Street frontage;
  - Alignment;
  - Size;
  - Shape;
  - Width;
  - Area; and
  - Suitability for residential use.

## Goals of the Draft Language

- Apply only to lots for SF detached dwellings in residential zones;
- Include only quantifiable criteria;
- Continue to protect existing neighborhood character; and
- Significantly reduce, if not eliminate waivers.

# New Resubdivision Provisions

## Options considered:

- ★ Keep resubdivision analysis but apply only to lots created for detached dwellings in the R-40, R-60, R-90, R-200 and RE-1 zones, and limit the criteria for analysis to the 3 required by State law (frontage, alignment and lot area/size).
- Keep resubdivision analysis but apply only to lots created for detached dwellings in the R-40, R-60, R-90, R-200 and RE-1 zones, and limit the criteria for analysis to existing quantifiable criteria plus those required by State law (frontage, alignment, lot area/size, lot width and buildable area)
- No resubdivision analysis

# Technical Review: Roads

## **New provisions:**

- Removed out-of-date road standards
- Right-of-way parcels required for private roads
- Standard right-of-way widths with ability for the Board to modify
- Road construction standards apply to both public and private roads

# Private Road ROW

## Issues:

- Review authority/expertise needs to be established for certification of design and construction – recommend amending Chapter 49 to grant authority to DPS/DOT to verify certification of the road from engineer.
- Restrictive covenant needed to provide for liability, future subdivisions and APF tests (LATR).

# Technical Review: Adequate Public Facilities

- Uses associated with religious institutions that generate peak-hour vehicle trips are not exempt;
- Revised extension criteria for mixed-use development;
  - Current language – separated into residential (DUs) and non-residential (FAR/SF);
  - Not clear how to calculate when dealing with mixed-use, residential ***and*** non-residential uses (SF? DUs? Both?);
  - Proposed language – calculate based on trips;

# Article II. Subdivision Plans

- Division 50.5. Pre-Preliminary Submission
- Division 50.6. Simplified Subdivision Plan
- Division 50-7. Minor Subdivisions



# Simplified Subdivision Plan

- New review/approval process, requires Planning Director instead of Planning Board approval; and
- Options for review/approval include:
  - Lots for existing institutional uses and places of worship because of the level of review needed;
  - Up to 5 lots in the AR because pre-preliminary plans should not create entitlements; and
  - Up to 3 lots in the RE-2 and Rural Residential zones; and 1 lot in any residential zone created by platting a parcel that existed before the requirement that building permits only be issued on platted lots.

# Minor Subdivisions

- Moved private institutional lots and lots in the agricultural zone to the Simplified Subdivision Plan process.
- No platting of a parcel containing an existing dwelling under the zoning standards in effect when the dwelling was constructed.
- Limit consolidation to one-family detached residential lots to avoid loss of potential road improvements for non-residential lots that are going to redevelop and do an APF with site plan.

# Article III. Plats

- Division 50.8. Plats-Generally
  - Added application processing and hearing schedule; including a 90-day review period and the requirement that a hearing date be established within 30 days of the submittal of the final plat mylar, with provisions for requesting extensions

# Article IV. Administration

- Division 50.9. Waivers from this Chapter
  - Grounds for waiver

# Waiver Provisions

## Old Section 50-38

- (1) The Board may grant a waiver from the requirements of this Chapter **upon a determination that practical difficulties or unusual circumstances exist that prevent full compliance with the requirements from being achieved**, and that the waiver is: 1) the minimum necessary to provide relief from the requirements; 2) not inconsistent with the purposes and objectives of the General Plan; and 3) not adverse to the public interest.

## Draft Division 50-10

- A. To grant a waiver, the Planning Board **must find that:**
  1. **due to practical difficulty or unique circumstances of a plan, the application of a specific requirement of the Chapter is not needed to ensure the public health, safety, and general welfare;**
  2. **the intent of the requirement is still met; and**
  3. **The waiver is:**
    - a. **the minimum necessary to provide relief from the requirements; and**
    - b. **consistent with the purposes and objectives of the General Plan.**

# Article IV. Administration

- Division 50-10. Administrative Procedures
  - Bonding and surety for public and private road improvements

# Next Steps

- Modify the draft as needed based on today's discussion
- Release for review and comments prior to the Planning Board hearing
- Hearing date of April 23, 2015 or April 30, 2015
- Board work sessions in May
- Approval and transmittal to the County Council by early June